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ACTS

William J. Kraft
OF THE

One Hundred & Ninth Legislature

OF THE

STATE OF NEW JERSEY,

AND

FORTY-FIRST UNDER THE NEW CONSTITUTION.



CAMDEN, N. J.,
THE COURIER PUBLISHING ASSOCIATION.
1885.



The following General Public Laws, passed at the One Hundred and Ninth Legislature, are compiled in accordance with the act entitled "An act relative to public printing," approved March 23d, A. D. 1883, which provides "that the laws shall be collated and indexed under the two heads of General Public Acts, Special Public and Private Acts."

The General Public Laws are printed in the front part of the volume.

The Joint Resolutions and Proclamations by the Governor are placed next after the General Public Laws, followed by a Table of Contents and Index.

The Special Public and Private Acts follow in the order of their approval, and, with Table of Contents and General Index of all the laws, &c., complete the same.

HENRY C. KELSEY,
Secretary of State.

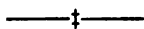


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GENERAL PUBLIC LAWS.



WILLIAM J. KRAFT,
Attorney at Law,
113 MARKET ST.,
CAMDEN, N. J.

GENERAL PUBLIC ACTS

PASSED BY THE

ONE HUNDRED AND NINTH LEGISLATURE.

—†—

CHAPTER I.

An Act to authorize and empower the trustees of any Presbyterian church, to whom as such trustees, any conveyance of lands and real estate has been made, to convey the same to the church of which they are trustees, by its corporate name.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where the conveyance of lands and real estate has been made to the trustees of any Presbyterian church, as trustees of said church, said trustees or their successors in office are hereby empowered and authorized to convey the same to the particular church of which they are trustees, by its corporate name; and said conveyance shall vest in said church as good, effectual and valid title as if the conveyance to said trustees had been to such church in its corporate name.

Conveyance authorized.

2. *And be it enacted*, That this act shall take effect immediately.

Approved January 28, 1885.

LEON ABBETT,

Governor.

ABRAHAM V. SCHENCK,

President of the Senate.

EDWARD AMBLER ARMSTRONG,

Speaker of the House.

CHAPTER II.

A Further Supplement to an act entitled "An act concerning roads," approved March twenty-seventh, one thousand eight hundred and seventy-four.

Township committee may change numbers and alter boundaries of road districts.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the township committee in their discretion in any township in this state, in which overseers of the highways are elected by road districts, to change the number and alter the boundaries of the road districts of the township during the months of January and February of any year, such change or alteration shall be made by resolution of the said committee defining the boundaries of new districts and the changes to be made in any district or districts, and a copy of said resolution certified by the township clerk shall be served on the overseer of the roads in any district affected by the change on or before the first day of March following its adoption.

Notice of first election of overseer in new district.

2. *And be it enacted*, That notice of the first election of an overseer of the highways in any road district so created or changed shall be given by the clerk of the township, at the time, and in the manner, that overseers of the highways are now required by law to give notice of such elections, except that the notice to be given by the township clerk shall contain a description of the boundaries of the road district so created or changed by resolution.

Subsequent elections.

3. *And be it enacted*, That all subsequent elections of overseers in such districts shall be noticed and conducted as in districts that have not been changed.

4. *And be it enacted*, That this act shall take effect immediately.

Approved January 28, 1885.

CHAPTER III.

A Supplement to an act entitled "An act for the protection of game fish," approved April fourth, one thousand eight hundred and seventy eight, and other game laws of this state, providing for the payment of fines into the county treasuries.

I. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that portion of fines here-^{Portion of fines paid into county treasury.} after collected of any person violating the game laws or fishing laws of this state, provided to be paid to townships, shall on and after the passage of this act be paid to the collector or treasurer of the county in which the offence shall have been committed.

2. *And be it enacted*, That all acts and parts of acts inconsistent with this act, be and the same are hereby repealed. ^{Repealer.}

Approved January 28, 1885.

CHAPTER IV.

An act to amend an act entitled "An act for the relief of persons imprisoned on civil process" (Revision). approved March twenty-seventh, one thousand eight hundred and seventy-four.

I. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the seventh section of said act be amended so as to read as follows: ^{Section amended.}

[7. *And be it enacted*, That the court to whom such application is made are required to name the time and place at which they will attend to hear what can be alleged for or ^{Court to name time and place of hearing.}

Notice of hearing, how served.

against the liberation of such debtor, which time shall not be less than forty days after making such application, of which time and place so appointed by the court, the debtor shall cause notice, in writing, at least thirty days previous thereto, to be served on or left at the usual place of residence of the attorney of the plaintiff in whose suit he was imprisoned, and of the attorney of each creditor who has lodged a detainer with the keeper of the prison, and also of each of the creditors of the imprisoned debtor, if residing within this state, and have the same inserted for four weeks, once in each week, in one of the newspapers published in the county town of the county in which the debtor is imprisoned.]

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 5, 1885.

CHAPTER V.

An act relative to interest on arrears of taxes and assessments in incorporated cities.

Amount of taxes in arrears, with interest, may be paid within one year.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That at any time within one year after the passage of this act, any person or persons may pay to the collector of taxes, or other person authorized to receive the same, in any incorporated city in this state, the amount of any tax or assessment due upon any real property belonging to any such person or persons, laid or imposed prior to the year one thousand eight hundred and eighty-four and now remaining unpaid, together with interest thereon at seven per centum per annum, to be calculated from the time interest is properly chargeable thereon to the time of such payment, together with the actual expenses theretofore incurred by any such city for the enforcement and payment of said taxes or assessments; and the collector of taxes, or other person authorized to receive the

same, shall make and deliver to the person or persons making such payment, a receipt therefor, and shall forthwith cancel the record of such tax or assessment; upon such payment, such tax or assessment shall cease to be a lien upon the real estate or property, and shall be deemed and taken to be fully paid, satisfied and discharged, and there shall be no right to any further interest or penalty by reason of such tax or assessment not having been paid within the time heretofore required by law, or by reason of any statute passed requiring the payment heretofore of any penalty or interest over seven per centum upon any unpaid tax or assessment; *provided, however*, that nothing in this act contained shall authorize the receipt, under the provisions of this act, of any such taxes or assessments in cases where lands and real estate have been sold for taxes or assessments, and bought in by any other person than the city in which said taxes and assessments are laid, or some officer for the use of such city; nor shall any lien upon real estate for such taxes or assessments be released or affected, nor shall any sale of any real estate for taxes or assessments, or the delivery of any certificate or declaration of sale, or deed therefor, be stayed by anything in this act contained; and *provided, further*, that the provisions of this act shall not become operative in any incorporated city until the common council or other governing body having charge of the finances of such city shall by resolution authorize the collector of taxes or other person authorized to receive taxes, to receive and receipt for the same under the provisions of this act.

Receipt to given
and record can-
celed.

Proviso.

Proviso.

2. *And be it enacted*, That all acts and parts of acts inconsistent with this act, be and the same are hereby repealed, and that this act shall take effect immediately.

Repealer.

Approved February 5, 1885.

CHAPTER VI

A Supplement to an act entitled "An act for the taxation of railroad and canal property," approved April tenth, one thousand eight hundred and eighty-four.

Supreme court
to determine
character of
property when
assessed by both
local authorities
and state board.

I. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in case any property of any railroad or canal company which has been or shall hereafter be in any year assessed by the local authorities of any taxing district has been or shall be also assessed by the state board of assessors as property used for railroad or canal purposes, the supreme court or any three justices thereof, to be assigned by the chief justice, shall determine, in a summary manner, the character of the property and whether used for railroad or canal purposes, and by which assessors the same has lawfully been assessed, which determination shall be made whether the taxes in question have been paid or not, and whether a certiorari to review either assessment has been granted or not; such determination shall be made under an order to show cause at a time and place to be therein designated, which order shall be granted by the chief justice of the supreme court upon application *ex parte* by any of the parties interested, namely, by the attorney general on behalf of the state, or by the owner of the property assessed, or by the authorities of the taxing district; and said order shall be served not less than ten days before the day fixed therein for the hearing, upon the said parties interested not making such application; depositions may be taken, on two days' notice by either party, to be used on such hearing; the justices before whom the matter shall be heard may, if they see fit, view the property in dispute, to guide them in their decision; the judgment of the court shall direct the cancellation or reduction of either assessment, as the character of the property may require, and shall make such order as to the return to the taxpayer of any tax, or any portion thereof, that may have been paid to the state, or to any taxing district not entitled thereto as such court

shall deem just ; the payment of costs may be directed in such manner as the court may deem equitable ; the said judgment shall be conclusive and final in all collateral proceedings, but may be reviewed on writ of error by the court of errors and appeals.

2. *And be it enacted*, That section five of the act to which this is a supplement be and the same is hereby amended to read as follows :

Section amended.

[5. *And be it enacted*, That it shall be the duty of the assessors in all taxing districts where property of any railroad or canal company, not used for railroad or canal purposes, shall be assessed, if required so to do by the state board of assessors, to certify and to send to the state board of assessors, on or before the second Monday in June, in each year, a statement giving a description of such property and showing the assessed valuation thereof ; the local assessors shall also, at the same time, certify and send to the state board of assessors a short description of all the real property in their respective taxing districts, used or owned for railroad or canal purposes, excepting the main stem or road-bed and track, not exceeding one hundred feet in width of each railroad, and the water-way, towing-path and berme-bank, not exceeding one hundred feet in width of each canal ; the said assessors shall also certify to the said board the local rate of taxation for county and municipal purposes, as soon as the same shall be determined, and such other information obtained in the course of the performance of the duties of their office as the said board shall require of them ; and for the services mentioned in this section the said local assessors shall receive three dollars per day for each day actually engaged in such service, to be paid on the warrant of the comptroller on an affidavit of such service being filed in the office of said comptroller.

What local assessors are to certify to state board.

Compensation of local assessors.

3. *And be it enacted*, That section two of the act to which this is a supplement be and the same is hereby amended to read as follows :

Section Amended.

[2. *And be it enacted*, That all property of any railroad and of any canal company used for railroad or canal purposes shall be assessed by a state board of assessors, which shall consist of four members, and shall be appointed by the governor, by and with the advice and consent of the senate ; not more than two shall be members of the same political

State board of assessors, how constituted and appointed.

party; and no person shall be qualified or authorized to act as a member of said board unless his appointment shall have been confirmed by the senate; their term of office shall commence on the first Monday of May; the assessors first appointed shall be appointed to hold office respectively for one, two, three and four years, and until the appointment of a successor; all subsequent appointments shall be for a term of four years and until the appointment of a successor; vacancies shall be filled by the governor, subject to the approval of the senate; the said assessors shall be citizens of this state, and shall not, during their term of office, be interested in any railroad or canal company; each assessor shall, before entering on his duties, file with the secretary of state an oath taken before a justice of the supreme court that he will faithfully discharge the duties of his office, and that he is not interested in any railroad or canal company; they shall each receive an annual salary of twenty-five hundred dollars; three members shall constitute a quorum, and any official act shall be valid which has the sanction of three members; they may employ a secretary, who shall receive such yearly compensation as the board of assessors may determine, not to exceed eighteen hundred dollars; they shall keep a record of their proceedings, and shall annually report to the legislature; the office of railroad commissioner is hereby abolished.]

To file oath.

Salary.

Secretary.

Annual report.

Corporations
paying taxes
may bring writ
of certiorari.

4. *Be it enacted,* That if any corporation whose property and franchises have been or shall be valued and assessed under the provisions of the act to which this is a supplement, by the state board of assessors, shall pay or cause to be paid to the treasurer of the state the tax so assessed upon its property and its franchises at the times and in the manner provided by law, or within fifteen days after the state board of assessors shall have made and declared their final revision of their valuations and assessments, that neither such payment nor the lapse of time in making application for a writ of certiorari shall be considered by any court or judge thereof as a reason why such corporation should not be entitled to such writ of certiorari upon any question adjudicated in favor of any corporation that may refuse to pay the taxes assessed against it, and that shall bring its writ of certiorari, to review the valuations and assessments within the time limited by the act to which this is a supple-

ment; *provided*, application for a writ of certiorari be made within six months after such question has been finally adjudicated, and no other questions shall be considered on said writ. Proviso.

5. *And be it enacted*, That all corporations who shall pay the tax assessed for the use of the state, under the act to which this is a supplement, may pay the same in equal payments on the first days of February, May, August and fifteenth of October in each year, and if any corporation is in default as to said payments for ten days, the unpaid portion of said taxes shall thenceforth bear interest at the rate of one per centum for each month, until paid; *provided*, the privilege of payment by instalments granted by this section shall not apply to any payment required by the court to be made on granting a writ of certiorari. When taxes may be paid. Proviso.

6. *And be it enacted*, That this act shall be subject to amendments, alterations or repeal at the will of the legislature. Act may be amended.

7. *And be it enacted*, That this act shall take effect immediately.

Approved February 5, 1885.

CHAPTER VII.

An act validating, in certain cases, sales and conveyances of lands situate in adjoining counties heretofore made by a sheriff of one of such counties.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That wherever upon the foreclosure of a mortgage upon lands situate in adjoining counties of this state, execution was issued to and sale made of such lands by the sheriff of one of such counties, and deed made by him therefor, and possession thereof delivered to the purchaser, such deed shall be deemed and taken to be as good and effectual in the law as if said lands were wholly situate in the county of such sheriff; *provided, however*, Sale and conveyance valid. Proviso.

that the provisions of this act shall not apply to any sales of land made within the past five years, nor shall this act apply to or interfere with any proceedings pending at law or in equity; *and provided further*, that said deed has been recorded in both said counties.

2. *And be it enacted*, That this act shall take effect immediately.

Passed February 10, 1885.

CHAPTER VIII.

A Supplement to an act entitled "A supplement to an act to incorporate trustees of religious societies" (Revision), approved April ninth, eighteen hundred and seventy-five.

Trustees of religious societies, how incorporated.

Certificate of incorporation.

Where recorded.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any diocesan convention, presbytery, classis, synod, annual conference, or other governing body, having jurisdiction over a number of incorporated or unincorporated churches, congregations, or societies of any church or religious denomination in this state, at any stated or regularly convened meeting thereof, to elect as trustees certain discreet persons, who, upon filing the certificate hereinafter provided, shall be and become a body corporate, capable of taking, holding, managing and dealing with property, both real and personal to and for the uses hereinafter mentioned, and that the presiding officer and clerk or secretary of such governing body at the time of such election shall immediately thereafter prepare and file a certificate in writing under their hands and seals, which certificate shall contain first the name or title by which such body corporate shall be known, and second the names of the trustees so as aforesaid elected and the times for which they were respectively chosen to serve; which certificate, duly acknowledged by said presiding officer and clerk or secretary, shall be recorded by the county clerk of any county within the bounds of the jurisdiction of such

William J. Kraft

governing body, and in the book kept for record of such certificates; and such trustees, upon the filing of such certificate, shall thereupon be and become a body corporate by the name therein mentioned; and that any such governing body may, in its discretion, elect more than one set of trustees in manner aforesaid, who may in like manner become incorporated and who shall adopt such names as shall serve to distinguish and designate them, reference being had to the object of their trust; and that such trustees shall be elected for three years, one or more each year, except that the first trustees shall be elected, one-third of the number for one year, one-third for two years, and one-third for three years; all of which trustees shall, when so required by the governing body by which they were elected, furnish to said body a statement and account of the particulars and items of their trust, and permit an auditing of the same, and an inspection of their books and investments, and all things pertaining thereto, at such time and in such mode as said governing body shall direct.

Terms of
trustees, &c.

2. *And be it enacted*, That all acts and parts of acts inconsistent herewith, be and the same are hereby repealed, and that this act shall take effect immediately.

Repealer.

Approved February 10, 1885.

CHAPTER IX.

An act to defray the expenses of the New Jersey commission for the New Orleans Industrial and Cotton Centennial Exposition.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the purpose of defraying the expenses incurred under the direction of the commissioner appointed to represent this state at the World's Industrial and Cotton Centennial Exposition at New Orleans, the comptroller is hereby authorized to draw his warrant upon the treasurer to pay such expenses upon vouchers pre-

Appropriation
to defray ex-
penses.

Proviso. sented by the commissioner to be approved by the governor and the comptroller, *provided*, that the total expenditure shall not exceed the sum of ten thousand dollars; *and provided* further, that vouchers be taken for all sums of money expended under this act and filed with the comptroller of the state, and that the commissioner report an itemized statement of the expenditure of all moneys under this act to the next legislature.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 10, 1885.

CHAPTER X.

An Act to amend an act entitled "An act to regulate the practice of courts of law," (Revision) approved March twenty-seventh, one thousand eight hundred and seventy-four.

Section amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That sections one hundred and sixty-seven and one hundred and sixty-eight of the act entitled "An act to regulate the practice of courts of law," (Revision) approved March twenty-seventh, one thousand eight hundred and seventy-four, be and the same hereby are amended so that the same shall read as follows:

When cause tried.

[167. *And be it enacted*, That every cause shall be tried at the next term after issue joined; any cause may be tried at the same term in which issue is joined, if there be time and opportunity to try the same.

Notice of trial.

168. *And be it enacted*, That notice of trial may be given for a day in term, if the cause be not at issue in season to be noticed for the first day of the term, or if issue be joined therein on or after the first day of the term.]

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 10, 1885.

CHAPTER XI.

A Supplement to an act entitled "An act to authorize the construction, curbing and paving of sidewalks and crosswalks in townships," approved May ninth, one thousand eight hundred and eighty-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section two of the act to which this is a supplement, and which reads as follows:

[2. *And be it enacted*, That after the passage of any ordinance as aforesaid it shall be the duty of the township committee to cause a notice signed by the chairman of said committee to be published in a daily newspaper printed and circulating in such township, or if none be printed in such township, in a daily newspaper printed in the county and circulating in such township, for five consecutive days, (Sundays excepted) which notice shall require the owner or owners of each lot in front of which or bordering which a sidewalk shall, by such ordinance, be directed to be constructed, curbed and paved, to construct, curb and pave the same in the manner prescribed in such ordinance within such time as the township committee shall direct, not being less than thirty days after the fifth day of such publication as aforesaid,] be amended so as to read as follows:

[2. *And be it enacted*, That after the passage of any ordinance as aforesaid it shall be the duty of the township committee to cause a notice signed by the chairman of said committee to be published in a daily newspaper printed and circulating in such township, or if none be printed in such township, in a daily newspaper printed in the county and circulating in such township, for five consecutive days, (Sundays excepted) and if there be no daily newspaper printed in said township or county, then in a weekly newspaper printed and circulating in said township, or if no weekly newspaper be printed in said township, then in a weekly newspaper printed in the county in which said township is located and circulating in said township, for two weeks

successively, which notice shall require the owner or owners of each lot in front of which or bordering which a sidewalk shall, by such ordinance, be directed to be constructed, curbed and paved, to construct, curb and pave the same in the manner prescribed in such ordinance, within such time as the township committee shall direct, not being less than thirty days after the fifth day or the end of the two weeks of such publication, and a copy of such notice shall immediately after the first printing thereof be mailed or personally served upon all of the owners or owner so interested, if resident in this state, by the clerk of said township.]

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 10, 1885.

CHAPTER XIII.

An Act amending "A supplement to 'An act respecting bridges,' approved April tenth, one thousand eight hundred and forty-six," which supplement was approved March fifteenth, one thousand eight hundred and seventy-six.

Section
amended.

I. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of the act of which this is amendatory be and the same is hereby amended to read as follows:

Unlawful to
drive over
bridge faster
than a walk.

[I. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful for any person or persons to drive any kind of carriage or other vehicle drawn by one or more horses or mules, or to lead or drive any horses, mules or other cattle over any of the public road bridges of this state which may be constructed of wood or iron, or the spans of which may be of wood or iron, at a faster gait than a walk when the authorities in charge of such bridge shall have placed upon it a notice

limiting the pace over it to a walk; any person or persons violating the foregoing provision shall be liable to a penalty ^{Penalty.} of ten dollars with costs for each and every horse, mule or other cattle so unlawfully led or driven; said penalty may be sued for and recovered with costs, by any person in any court of competent jurisdiction.]

Approved February 12, 1885.

CHAPTER XIV.

A Supplement to an act entitled "An act to regulate the practice of courts of law," (Revision) approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the defendant in any action ^{What defendant may plead to replication.} may, by leave of the court or a judge, plead in answer to the replication or subsequent pleading of the plaintiff as many several matters as he shall think necessary for his defence.

Approved February 12, 1885.

CHAPTER XV.

An Act authorizing persons having liens for work, labor or materials employed in the repair and construction of any article to enforce such lien.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the lien which any person ^{Lien not impaired by recovery of judgment.} may have upon any chattel in his possession for labor or materials bestowed or employed in the repair or construc-

tion thereof, shall be in no wise waived, merged or impaired by the recovery of any judgment for the moneys due for such labor or materials ; and such lien may be enforced by levy and sale under execution upon such judgment.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 16, 1885.

CHAPTER XVI.

A Further Supplement to the act entitled "An act to regulate the practice of courts of law" (Revision), approved March twenty-seventh, eighteen hundred and seventy-four.

Suit against
unincorporated
associations or
organized for cer-
tain purposes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any unincorporated company or voluntary association consisting of seven or more persons organized for religious, social, benevolent, charitable, literary or political purposes, and having a recognized name may be sued by such recognized name in any of the courts of this state in any action affecting the common property or the joint rights and liabilities of such company or association ; all process or other papers in such suit shall be served on the president or treasurer for the time being of such company or association or on the person authorized to perform the duties of such offices, and such suit shall have the same force and effect as regards the joint rights, property and effects of such company or association as if it were prosecuted in the names of all the members or associates in the manner now provided by law ; such suit shall not abate by reason of the death, resignation, removal, withdrawal or legal incapacity of any officer or officers of such company or association or by reason of any change in the membership thereof.

When judg-
ment against
defendant exe-
cution may
issue.

2. *And be it enacted*, That when judgment shall be obtained against the defendant in such suit, execution may issue thereon in the same manner that executions now issue upon judgments against corporations, and the sheriff or

other officer may by virtue of such execution levy upon and expose to sale all the common property of such company or association not by law exempt from sale under execution whether the same be held in the name of such company or association or by the trustees thereof in trust for such company or association.

3. *And be it enacted*, That nothing in this act contained shall be so construed as to prevent any person having any cause of action against any such company or association for which the members thereof or any of them are or may be personally liable from proceeding against the members so personally liable as heretofore, nor shall any judgment obtained against any such association or company by virtue of the provisions of this act after execution issued thereon and returned in whole or in part unsatisfied, be a bar to any action to recover the residue thereof against such member or members as may be personally liable therefor.

Action may be had against persons personally liable.

4. *And be it enacted*, That nothing in this act contained shall be so construed as to give to such companies or associations any of the powers or liabilities of corporations except as herein set out.

Associations not given others powers.

5. *And be it enacted*, That this act shall take effect immediately.

Approved February 16, 1885.

CHAPTER XVII.

A Supplement to "An act to authorize the conveyance to the Ladies' Hospital Association, of the city of Paterson, of the right, title and interest of the state of New Jersey, in and to certain lands in the city of Paterson," approved February seventeenth, one thousand eight hundred and eighty-two.

WHEREAS, In the preamble to the act to which this is a Pream le. supplement it is stated that the deed for the lands therein mentioned "contained no penalty of forfeiture or rever-

sion," and that "the interest of the state of New Jersey in and to said land and premises is of the remotest kind and of the most trifling value ;"

AND WHEREAS, The act of eighteen hundred and thirty-eight, authorizing said deed, contained a provision of penalty and reversion, which was omitted in the deed ;

AND WHEREAS, The officers of the state charged with the valuation of the right, title and interest of the state of New Jersey in and to the lands aforesaid, by the act to which this is a supplement, have hesitated to act in the premises because of the apparent misapprehension of the legislature as to the actual interest of the state in the said lands ; therefore

Consideration
in deed to be the
full value of
right and in-
terest of State.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the consideration to be named in the deed authorized to be given by the act to which this is a supplement shall be the full and fair value of the right, title and interest of the state of New Jersey in and to said lands and premises, including the value of the reversionary interest, the same as if such reversion had been provided for in the original deed from the state for said lands, dated February thirteenth, one thousand eight hundred and forty-four.

Approved February 16, 1885.

CHAPTER XVIII.

An Act to limit the duration of the lien of recognizances.

Duration of
lien limited to
six years.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all recognizances of bail made or hereafter entered into in or before any court or magistrate having a criminal jurisdiction in this state, which have been or shall hereafter be forfeited, but upon which no writ of *scire facias* or other process to enforce or collect the same shall have been issued within a period of six years after the same shall have been entered into shall be and the same are hereby declared to be no longer a lien or charge

upon or against any lands, tenements, hereditaments or real estate of which any surety named in any such recognizance was or shall have been seized at the time of his entering into such recognizance or at any time afterwards.

2. *And be it enacted*, That all acts and parts of acts inconsistent with this act are hereby repealed. Repealer.

3. *And be it enacted*, That this act shall take effect immediately.

Passed February 17, 1885.

CHAPTER XX.

An Act to provide for the election of a chosen freeholder in incorporated boroughs.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the legal voters of each incorporated borough within this state shall at the next and each succeeding annual borough election vote for and elect one freeholder, commonly called a chosen freeholder, who shall hold his office for one year; *provided*, the voters in such borough do not at present vote with the township in which it is situate for freeholder. One freeholder elected annually.

2. *And be it enacted*, That the chosen freeholder so elected by any incorporated borough shall thereupon be and become a member of the board of chosen freeholders of the county in which such borough is situate, the same in all respects as though he had been elected by the voters of any township or ward in said county. To be members of board of freeholders of county.

3. *And be it enacted*, That this be a public act and that it take effect immediately.

Passed February 17, 1885.

CHAPTER XXI.

A Supplement to an act entitled "An act concerning idiots and lunatics," (Revision) approved March twenty-seventh, one thousand eight hundred and seventy-four.

Section
amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section seven of the act entitled "An act concerning idiots and lunatics," (Revision) approved March twenty-seventh, one thousand eight hundred and seventy-four, be amended so as to read as follows:

Sale of land of
idiot or lunatic.

[7. *And be it enacted*, That whenever any idiot or lunatic shall be seized of any lands or real estate, and it shall be represented to the chancellor on behalf of such idiot or lunatic, by his or her guardian or guardians, duly appointed in the manner prescribed in this act, that his or her interest requires that the said lands should be sold or disposed of, the chancellor may proceed in a summary manner, by reference to a master, to inquire into the merits of such application, and whenever and as often as it shall satisfactorily appear to the court that the interest of such idiot or lunatic requires, or will be substantially promoted by a sale of his or her lands or real estate, or of any part or parts thereof, the chancellor may order and direct the guardian or guardians of such idiot or lunatic to sell or dispose of the whole or any part or parts of such lands or real estate in such way and manner and with such restrictions as shall be deemed expedient; *provided, however*, that nothing in this act contained shall authorize the sale of any lands or real estate contrary to the provisions of any last will and testament, or of any conveyance by which the same were devised or granted to such idiot or lunatic.]

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Passed February 17, 1885.

CHAPTER XXV.

A Further Supplement to an act entitled "An act respecting the court of chancery," (Revision) approved March twenty-seventh, eighteen hundred and seventy-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful in any action now pending or hereafter to be brought in the court of chancery for the partition and sale of lands for the clerk of said court to tax as a part of the taxable costs in favor of the complainant in said action any and all such legal fees and charges as may have been necessarily paid or incurred for or in behalf of said party in procuring searches against or in relation to the title of the lands sought to be partitioned or sold in said action, which fees or charges shall be ascertained in such way as the chancellor may direct. Fees for searches may be included in actions for partition and sale of land.

2. *And be it enacted*, That in any such suit it shall be lawful for the chancellor, in his discretion to allow a counsel fee to the complainant to be taxed in the bill of costs whether an appearance shall have been entered, or an answer or answers shall have been filed by any of the defendants or not. Counsel fee to complainant may be included.

3. *And be it enacted*, That this act shall take effect immediately.

Passed February 17, 1885.

CHAPTER XXVI.

A Supplement to an act entitled "An act respecting the orphans' court and relating to the powers and duties of the ordinary and the orphans' court and surrogates," (Revision, page 753.)

Appointment of
special guar-
dian of non-
resident minor.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the ordinary shall have full authority to appoint a special guardian for the property, real or personal, within this state of any non-resident minor, and the orphans' court of any county shall have concurrent authority to appoint a special guardian for any property, real or personal, within said county of any minor residing without the state; and said courts shall have authority to control, remove or substitute such guardian, and in any case not already provided for by statute or the rules of the court. the court shall take such action in the matter as it shall deem most for the advantage of the infant.

2. *And be it enacted*, That this act shall take effect immediately.

Passed February 17, 1885.

CHAPTER XXVII.

An Act for the relief of Charles A. Koerner.

Preamble.

WHEREAS, On the eighth day of March, eighteen hundred and eighty-four, suit was entered in the Essex county circuit court against Charles A. Koerner of the city of Newark, in said county, by the state of New Jersey, for the sum of five hundred dollars, on account of a certain

forfeited recognizance heretofore entered into by the said Charles A. Koerner in the said county for the appearance of Louis Lohle at the court of general quarter sessions in and for said county;

AND WHEREAS, On the fourteenth day of April, eighteen hundred and eighty-four, the said Charles A. Koerner paid to Oscar Keen, prosecutor of the pleas for the said county, the sum of five hundred dollars, besides eleven dollars and twenty-seven cents costs, on account of said suit brought as aforesaid; and four hundred and seventy-five dollars thereof paid into the state treasury;

AND WHEREAS, The said Charles A. Koerner, subsequent to the payment of said sum of money, did procure at his own expense a requisition from the governor of the state of New Jersey to the governor of the state of Minnesota, and by means whereof did deliver up into custody the said Louis Lohle, who was accordingly sentenced by the said court of general quarter sessions to the state prison for the term of three years, and to pay a fine of one thousand dollars and costs;

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state be, ^{State treasurer to pay certain man.} and he is hereby authorized and required to pay to Charles A. Koerner, of the city of Newark, county of Essex, the sum of four hundred and seventy-five dollars.

2. *And be it enacted*, That this act be deemed a public act, and shall take effect immediately.

Passed February 17, 1885.

CHAPTER XXVIII.

A Supplement to an act entitled "An act concerning corporations," (Revision) approved April seventh, eighteen hundred and seventy-five.

Certain corporations may subscribe to capital stock of railroad company.

Proviso.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any corporation of this state now existing or hereafter to be incorporated under the provisions of the act to which this is a supplement, having for its object the improvement and sale of, and owning lands at or near any of the seaside resorts of this state, and not located on the line or at the terminus of any railroads in this state, may, by a vote of the majority of the capital stock of such corporation subscribe to the capital stock of and become a shareholder in any railroad company about to construct its line of railroad so as to extend to, through or over the lands owned by such corporation; *provided*, that such subscription shall not exceed one-fifth of the amount of the capital stock of such subscribing corporation.

2. *And be it enacted*, That this act shall take effect immediately.

Passed February 17, 1885.

CHAPTER XXIX.

A Further Supplement to an act entitled "An act concerning roads," approved March twenty-seventh, eighteen hundred and seventy-four.

Section amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section ninety-four of the act to which this is a supplement which reads as follows:

[94. *And be it enacted*, That it shall not be lawful for any overseer of any road to require or employ any person to work on any road between the first day of October and the first day of April, except so far as may be necessary to make the roads passable when obstructed by snow or rain; *pro-* Road not to be worked between certain times. *vided*, that nothing in this section shall prevent the macadamizing of roads according to law during the months of March, October and November,] be amended by inserting Proviso. at the end of the proviso the following: "nor the gravelling of roads during the months of October and November." Amendment.

2. *And be it enacted*, That this act shall take effect immediately.

Passed February 17, 1885.

CHAPTER XXX.

A Further Supplement to an act respecting conveyances, (Revision) approved March twenty-seventh, eighteen hundred and seventy-four.

WHEREAS, Commissioners of deeds in and for this state in Preamble. some instances have, through inadvertance or mistake, continued to take acknowledgments and proofs of deeds, mortgages and other writings after their term of office had expired or after their commissions had become void by reason of removal out of the township, ward or district in which they resided at the time of their appointment and innocent persons may be subjected to loss or injury thereby; therefore,

I. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all acknowledgments and Acknowledgments validated proofs of deeds, mortgages and other writings and the certificates thereof, heretofore taken or made before or by any commissioner of deeds in and for this state whose term of office had expired or whose office had been vacated or whose commission had become void at the time of taking such acknowledgment or proof; and the records of such deeds,

mortgages and other writings are hereby confirmed and made valid and legal and effectual to the extent that the same would have been valid, legal and effectual if the term of office of the commissioner taking such acknowledgment or proof had not expired nor his office been vacated nor his commission become void as aforesaid.

2. *And be it enacted*, That this act shall take effect immediately.

Passed February 17, 1885.

CHAPTER XXXI.

A Supplement to an act concerning roads, approved April sixteenth, eighteen hundred and forty-six.

Overseers to remove briars, etc., during certain months. 1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the overseers of the highways of the several townships of this state to remove or cause to be removed during the months of August and September of each year, the briars, thistles and weeds growing on the highways of their respective districts, and to clear out and open to all gutters, drains and ditches along or across said roads within their respective limits and divisions or so much thereof each year as may be determined upon by the legal voters of their respective districts at the annual road district meeting.

Approved February 23, 1885.

CHAPTER XXXII.

An Act to provide for the execution and giving of official bonds by clerks and treasurers of boroughs and villages.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all incorporated villages and boroughs in this state where, by existing general or special laws, there is the office of village or borough clerk, or the office of village or borough treasurer, the clerks and the treasurers of such villages or boroughs, before entering upon the duties of their respective offices, shall make and execute their bonds to their respective villages or boroughs in their corporate names, for the true and faithful performance of their respective duties, in such form and for such sums, and with such sufficient freehold securities as the mayor and council, board of trustees, or other governing body of such village or borough shall direct and require.

Clerks and treasurers of boroughs and villages to give bonds.

2. *And be it enacted*, That all acts and parts of acts, general or special, inconsistent with this act, be and the same are hereby repealed. Repealer.

3. *And be it enacted*, That this act shall take effect immediately.

Approved February 23, 1885.

CHAPTER XXXIII.

A Supplement to an act entitled "An act to establish a bureau of statistics upon the subject of labor, considered in its relation to the growth and development of the state industries."

Appropriation. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of thirty-five hundred dollars be and is hereby appropriated for the current expenses of said bureau.

How paid. 2. *And be it enacted*, That the treasurer of this state is hereby authorized to pay, from any money not otherwise appropriated, the sum provided for in the first section of this act.

3. *And be it enacted*, That this act shall take effect immediately.

Approved February 23, 1885.

CHAPTER XXXIV.

A Further Supplement to the act entitled "An act providing for the adoption of children," approved March ninth, one thousand eight hundred and seventy-seven.

Section amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the act to which this is a further supplement be amended so as to read as follows:

Petition for adoption and change of name of minor children.

[1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act it shall and may be lawful for any person not married, or any husband with his wife's consent, or any wife

with her husband's consent, or any husband and wife jointly, to petition the circuit court or the orphans' court of the county wherein any minor child or children may reside, for permission to adopt such minor child or children, and also petition for a change of name of such child or children; *provided*, that if such child or children be of the age of fourteen years or over, the written consent of such child or children to such adoption, duly acknowledged, must be obtained and presented with the petition, and also the written consent of the parent or parents if living and not hopelessly intemperate or insane, if both parents should be dead, or unknown, or hopelessly intemperate or insane, or shall have abandoned the child or children sought to be adopted, then and in such case the written consent acknowledged as aforesaid must be obtained from the legal guardian of such child or children, and if there be no legal guardian then such consent must be obtained from some discreet and suitable person appointed by the court to be next friend of such child or children sought to be adopted.] Proviso.

2. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed; and that this act shall take effect immediately. Repealer.

Approved February 23, 1885.

CHAPTER XXXV.

Supplement to an act entitled "An act to authorize the formation of railroad corporations and regulate the same," approved April second, eighteen hundred and seventy-three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the time limited for the completion of any railroad authorized to be constructed under the act to which this is a supplement shall expire during the year one thousand eight hundred and Extension of time for completion of railroad.

Proviso.

Proviso.

eighty-five, such time shall be and the same is hereby extended for a further period of two years; *provided, however*, that this act shall not apply unless money has actually been expended in surveys, or location of route, or in acquisition of right of way or in construction; *and provided further*, that this act shall not apply to any corporation unless such corporation shall first, and as a condition precedent to the exercise of any power granted by this act, file in the office of the secretary of state an agreement to be approved by the governor and the attorney-general, waiving all rights of exemption from taxation, and from privileges and advantages arising from any law or contract (if any there be) establishing any special mode of taxation of any such corporation, and the further agreement to be bound by any general law of this state now in existence, or that may hereafter be passed, taxing such corporations as are now authorized to be taxed by the legislature of the state under any general law, and further agreeing that the exercise of any power granted by this act shall not in any way affect the rights of the state (if any there exist) to take the property of such corporation under any existing law of the state, and agreeing, further, that all laws affecting such corporations, shall be subject to alteration or repeal by the legislature.

2. *And be it enacted*, That this act shall be deemed a public act, and shall take effect immediately.

Approved February 23, 1885.

CHAPTER XXXVI.

A Further Supplement to an act entitled "An act concerning taxes," approved April fourteenth, one thousand eight hundred and forty-six.

Extension of indebtedness, etc., to be furnished when deduction claimed.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That in all cases in which deductions shall be hereafter claimed or allowed, either for indebtedness or for property claimed to be exempt from taxation,

from the total values of the property or estate of any person or corporation to be assessed for taxes in this state, such person or corporation shall, in addition to the requirements now imposed by law, furnish to the assessor or other taxing officer or authority a statement under oath or affirmation showing when the indebtedness for which said deduction is claimed was incurred, and a detailed list of the securities or property claimed to be exempt from taxation, and of the dates at which said securities or other property were purchased, together with a declaration under oath that said indebtedness was not incurred, nor said securities or property purchased with the intent to escape taxation, but in good faith.

2. *And be it enacted*, That no deduction shall be made, either for indebtedness, or for property or securities claimed to be exempt from taxation, unless the statement and deduction hereinbefore required shall be furnished at the time and in the manner now or hereafter directed by law for furnishing statements of taxable property and schedules of indebtedness; and that any person who shall in such statement make a false return in whole or in part of his or her taxable property or of his or her indebtedness, or of the indebtedness or taxable property of the corporation of which he may be an officer, or of such property or securities claimed to be exempt from taxation, shall be deemed guilty of perjury and subject to the penalties now or hereafter prescribed by law for that offence.

Not to be made unless statement furnished.

Penalty for false return.

3. *And be it enacted*, That the statements and declarations herein required to be furnished, when made by or in behalf of any corporation shall be subscribed and sworn to by the president or principal officer of such corporation.

Statement by corporation, how subscribed.

4. *And be it enacted*, That the assessor, taxing officer or other taxing authority, to whom such statements and declarations shall be made, shall have power to examine under oath any person or officer of any corporation as to the truth of the matters contained in the statement or return made by such person or officer, and shall have authority to compel the attendance of such person or persons, and other witnesses, and the production of books and papers, at such time and place as they may designate; giving notice to such person or persons or such additional witnesses to attend at a time and place in said notice designated, and

Powers of assessor to ascertain truth of statement.

to produce such books and papers, which notice shall be served at least two days before the time therein designated by leaving it at the residence of such person or witness, or at the office of such corporation; and such assessor, or taxing officer, or any member of any taxing board is hereby authorized to administer oaths or affirmations to all persons examined before him or them as aforesaid.

5. *And be it enacted*, That in case any person so notified to attend before said assessor or taxing officer or authority shall refuse or neglect to appear at the time and place so designated, such assessor or taxing officer or authority may adjourn such examination to a subsequent day, and apply to the circuit court of the county, and said court shall award process of subpoena to compel the attendance of such person or persons so neglecting or refusing to attend before such assessor, or taxing officer or authority, and said court shall have power, as in cases depending in said court, to punish as for contempt any person disobeying or disregarding such process.

6. *And be it enacted*, That this act shall take effect immediately.

Approved February 23, 1885.

CHAPTER XXXVII.

An act to incorporate fire districts heretofore established or which may hereafter be established in townships under the provisions of the act entitled "An act to provide means for protection against fires in townships," approved March tenth, one thousand eight hundred and seventy-nine.

Incorporation
of fire districts.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every district heretofore organized, or which may hereafter be organized, under the provisions of the act entitled "An act to provide means for protection against fires in townships," approved March

tenth, one thousand eight hundred and seventy-nine, shall be known by a number to be assigned to it by the township committee of the township within which said district is situate, and the directors of said district, now known and hereafter to be known as the fire commissioners thereof, and their successors shall be a body corporate, to be called and known by the name of "the commissioners of fire district number , in the township of , and county of , " and shall have power to hold, purchase, lease and convey, in their corporate name, such real and personal estate as the purposes of the corporation shall require; to make and use a common seal, and shall be capable of suing and being sued, and shall be entitled to all the rights, powers and privileges, benefits, advantages and immunities usual or necessary for the purposes of providing, maintaining and using means for extinguishing fires in such district.

2. *And be it enacted*, That in the event of the directors or fire commissions of any fire district heretofore organized under the provisions of the said act, having heretofore made purchases of real or personal property or leased lands or buildings for the accommodation of the fire apparatus of such district in the name of the directors or fire commissioners of such district under misapprehension of their powers, such purchases or leases be and the same are hereby confirmed and declared valid and effectual in law, and to have the same force and effect and to vest in said board of directors or fire commissioners the same title and estate as if the said board of directors or fire commissioners had been duly incorporated from the time of the organization of said district. Purchases and leases validated.

3. *And be it enacted*, That the said board of directors or fire commissioners shall certify the amount of money voted at the annual district meeting to the assessor of the township in which said district is situate, which said assessor shall assess the said money on the inhabitants of said district and their estates and taxable property therein in the same manner as township taxes are assessed; and said money shall be assessed, levied and collected, at the time and in the the manner that other township taxes are assessed, levied and collected, and it shall be the duty of the collector of the township in which said district is situate to pay over all moneys by him received, which shall have been assessed by virtue of such vote to the said board of directors or fire Assessment and collection of taxes for fire purposes.

commissioners to be held and expended by them for the purpose of providing and maintaining means for extinguishing fires in such district.

Repealer.

4. *And be it enacted*, That all acts and parts of acts inconsistent with this act, be and the same are hereby repealed, and that this act shall take effect immediately.

Approved February 23, 1885.

CHAPTER XXXVIII.

An Act for the formation of incorporated associations by the membership of fraternal societies in this state.

Members of societies may be incorporated.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any number of members, not less than twenty-five, representing at least five separate lodges or councils of any fraternal society having a grand jurisdiction within this state, when met together under a call duly published in at least one newspaper issued and circulating within the county wherein such lodges hold their meetings, stating the object of said meeting to be to incorporate under this act and the time and place of said meeting, which said call shall be signed by a chairman and secretary of what purports to be a temporary organization of members of such fraternal society previously made, to select by a two-thirds vote of all the members then present and voting, a name for such association, and by a like vote to elect fifteen members of such fraternal society to be the trustees thereof.

Certificates of incorporation, where recorded and filed.

2. *And be it enacted*, That said trustees when elected shall forthwith make a certificate signed and sealed by each of them, and duly acknowledged to be their hand and seal, and file the same with the county clerk of the county wherein said association shall have organized, which certificate shall be recorded by the county clerk and after such record the same shall be filed in office of the secretary of state, and upon the filing thereof the secretary of state shall issue a certificate to said trustees declaring them to be, and from

the date of said certificate they and their successors shall be a corporation under the laws of this state; that said certificate thus filed shall contain the following facts:

I. The name selected to designate the association in its business. What certificate is to contain.

II. The place where the business of the association is to be conducted, which must be within the county where organized, and the object for which said association is formed.

III. The total amount of the capital stock of the association which its trustees are authorized to issue by the vote of two-thirds of the members at said meeting for organization, which amount said meeting is hereby required to fix, and which shall not be less than two thousand dollars or more than one hundred thousand dollars, and the amount with which they will commence business, which shall not be less than a subscription of twenty-five per cent. of the total capital stock the par value of the shares of which shall not exceed ten dollars.

IV. The name and residence of every member present at the meeting for organization, and the lodge or council to which he shall belong.

3. *And be it enacted*, That associations incorporated under this act shall have full power and lawful authority to take, hold, receive, grant and convey by deed, bequest or devise any and all land and real estate necessary and proper for the prosecution of their business. Powers of corporation.

4. *And be it enacted*, That the sole and only object of associations created under this act shall be to purchase the necessary land and buildings, or build and erect such building or buildings upon land purchased by or devised to them, and furnish and repair the same for use and occupancy as a public or private hall, opera house, theatre or other like public or private building, with the right to let parts thereof for general business purposes. Object.

5. *And be it enacted*, That the trustees first elected as aforesaid shall hold their office for one year from the date of the certificate of organization filed by them and until their successors are elected and enter upon the discharge of their duties; that said trustees shall be authorized to open books of subscription to the capital stock of said association as fixed by its certificate of incorporation and require the payment of said capital stock in such instal- Election of first trustees, &c.

ments as may be deemed necessary for the needs of the association, but said trustees shall in no case be required to receive any subscription offered by or to issue any of the capital stock to any person not a member of the fraternal society whose membership organized the association.

Increase of capital stock.

6. *And be it enacted*, That any such association, if it shall discover that its capital stock is insufficient to fulfill its requirements, may, through its board of trustees, with the written consent of two-thirds in interest of its stockholders, at any time increase its capital stock to such an amount as may be so consented to by the stockholders; *provided*, said increase and original capital stock shall not exceed two hundred thousand dollars.

Proviso.

Annual meeting.

7. *And be it enacted*, That an annual meeting of stockholders shall be held on the first Monday in June in each year, of the time and place of which meeting ten days' previous public notice shall be given by advertisement in at least one newspaper published within the county where such association exists, and by a like personal notice to be mailed to each stockholder of the association at his residence as stated upon the stock book of the association, at which annual meeting the trustees shall make, through the treasurer of the board, a full and detailed account of all receipts and disbursements by them made, which report shall be certified to as correct in every item thereof by a committee of at least three of the board of trustees, and shall be open for inspection to any stockholder at any time after said meeting at the office of the president of the board of trustees, whose duty it shall be to take and retain such report; that the president of the board of trustees shall call said stockholders' meeting to order and preside thereat, and a secretary shall be elected by the meeting; in the absence of the president of the board any stockholder may call the meeting to order and the meeting choose some stockholder to occupy the chair, and said meeting when organized shall by a majority vote of the stock voted thereat select fifteen trustees for the next ensuing year, whose term of office shall begin immediately upon their election, and the chairman and secretary shall certify the result of the election by a certificate under their hands, which shall be filed by the secretary of the board of trustees with the papers in his

Election of trustees.

office and duly entered in the minutes of the stockholders' meeting.

8. *And be it enacted*, That the board of trustees shall have ^{By-laws.} power to adopt by-laws for the regulation and government of the association and the conduct of business, and to alter, amend or repeal the same by a two-thirds' vote of the board at any regular meeting if notice of the proposed alteration, amendment or repeal shall have been given at a previous regular meeting, and it may be provided by said by-laws that the stock of said association shall or shall not be voted by proxy; that the members elected on the board of trustees shall after their election immediately meet and organize ^{Officers.} by the election of a president, secretary, treasurer and such other officers as the by-laws may provide.

9. *And be it enacted*, That this act shall take effect immediately.

Approved February 23, 1885.

CHAPTER XXXIX.

An act for the cancellation of the state's riparian lease to Wilson Fitzgerald and the return of the moneys he has paid to the state thereunder.

WHEREAS, The board of riparian commissioners of this state, ^{Preamble.} with the concurrence of the governor, on the tenth day of March, A. D., one thousand eight hundred and seventy-seven, in the name of the state, leased in perpetuity to Wilson Fitzgerald, of Camden, New Jersey, certain lands under water in front of his farm in the township of Deptford, in the county of Gloucester, at an annual rent of one hundred and forty dollars, which said lease by a recent decision of the court of errors and appeals of this state has been declared to be invalid and of no force or effect in the hands of the said Wilson Fitzgerald;

AND WHEREAS, The said Wilson Fitzgerald, before and up to the date of said adjudication faithfully paid the state

the annual rent fixed in said lease from which he has received no right, title, benefit or advantage whatever; therefore,

Lease cancelled
and money re-
funded.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said Wilson Fitzgerald be released from all obligation to the state under and by virtue of the said lease, and the board of riparian commissioners be authorized and required, out of the next moneys arising from the sale or lease of riparian lands, to return to the said Wilson Fitzgerald the amount of his said payments to the state treasurer upon the same being properly verified by the receipts of the state treasurer or otherwise, and that said lease be made void.

2. *And be it enacted*, That this act shall take effect immediately.

Passed February 24, 1885.

CHAPTER XL.

A Further Supplement to an act entitled "An act incorporating the inhabitants of townships, designating their powers and regulating their meetings," approved April fourteenth, one thousand eight hundred and forty-six.

Election of
chosen free-
holders in coun-
ties of third-
class.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the persons legally qualified to vote at town and municipal elections, in counties of the third class in this state, shall hereafter annually elect for each township and ward in said counties, but one chosen freeholder, for the term of one year, and the chosen freeholders so elected shall constitute the board of chosen freeholders of said counties.

2. *And be it enacted*, That all acts or parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed, and that this act shall take effect immediately.

Passed February 25, 1885.

CHAPTER XLI.

A Supplement to the act entitled "An act constituting courts for the trial of small causes."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any suit begun by summons in a court for the trial of small causes if the plaintiff shall deliver to the justice a copy of his account or state of demand against the defendant at the time of the issuing of the summons and furnish as many copies of said account or state of demand as there are defendants to be served, then the same shall be attached to the summons and one of said copies shall be attached to and served with each copy of said summons, and the return of the constable upon the summons shall be proof of the service of such account or state of demand upon the defendant ; and in every such case the defendant shall not be entitled to an adjournment of the trial on the return day, except upon reasonable cause being shown by affidavit, or by oath or affirmation ; the constable making such service shall be entitled to the same fees as for serving a summons alone.

Account or state
of demand may
be served with
summons.

Approved February, 25, 1885.

CHAPTER XLII.

An act to authorize the common council or other legislative body of the cities of this state by ordinance to change the time for commencing the assessment of taxes in such cities and also the time for furnishing statements or schedules of indebtedness.

May change
time for com-
mencing assess-
ments and fur-
nishing
schedules.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the common council or other legislative body of any of the cities of this state having charge of the finances of such cities to provide and direct by ordinance that the time for commencing the assessment for taxes in such city and from which the taxes levied or assessed upon property therein shall become a lien thereon shall hereafter be the first Wednesday in May of each year; and that the statements and schedules of indebtedness now required to be furnished between the first Wednesday in April and the third Monday in June of each year shall hereafter be furnished between the first Wednesday in May and the third Monday in June of each year.

2. *And be it enacted*, That this act shall be deemed a public act and shall take effect immediately.

Passed February 25, 1885.

CHAPTER XLIII.

A Supplement to an act entitled "An act for the better protection of sheriffs," approved March sixth, eighteen hundred and seventy-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when the condition of any bond mentioned in section one of the act to which this is a supplement has been or shall have been fully complied with, the sheriff to whom said bond has been or shall have been given, whether his term of office shall have expired or not, or his personal representative, if said sheriff be dead, shall have power, and it shall be his duty to cancel the record of said bond or give to the clerk of the county, where the same is recorded, a warrant for the cancellation of the record of said bond, which shall be duly acknowledged before some person authorized to take acknowledgments of deeds; and in case such sheriff or ex-sheriff, or said personal representative of any deceased sheriff, shall neglect or refuse to cancel the record of any such bond, in a proper case, any justice of the supreme court may make an order directing such cancellation; and whenever said record is cancelled under this act, such record shall no longer have the force and effect of a recognizance and shall not operate as a lien upon real estate; but the said bond shall continue to have the same force and effect as if the same had never been recorded under the act to which this is a supplement.

Sheriff may
cancel record of
bond when con-
dition complied
with.

How cancelled
when sheriff
neglects, &c.

2. *And be it enacted*, That this act shall take effect immediately.

Passed February 25, 1885.

CHAPTER XLIV.

An Amendment to "An act to prevent vending, using or exploding of guns, pistols, toy pistols, or other fire-arms to or by persons under the age of fifteen years in this state."

Section
amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the second section of the act approved February tenth, one thousand eight hundred and eighty-two, entitled as above set forth, be and the same hereby is amended so as to read as follows:

Unlawful to sell
fire-arms to
persons under
fifteen years of
age, &c.

[2. *And be it enacted*, That it shall not be lawful to sell, hire or loan to any person under the age of fifteen years any gun, pistol, toy pistol or other fire-arms; or for any person under the age of fifteen years to purchase, barter or exchange any gun, pistol, toy pistol or other fire-arms; nor for any person under the age of fifteen years to carry, fire or use any gun, pistol, toy pistol or other fire-arms, except in the presence of his father or guardian, or for the purpose of military drill in accordance with the rules of a school.]

Penalty.

2. *And be it enacted*, That any person offending against the provisions of this act shall be punished by a fine not exceeding twenty-five dollars.

Approved March 2, 1885.

CHAPTER XLV.

A Further Supplement to an act entitled an act concerning roads, (Revision) approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any road or street which has been, or may hereafter be laid out or dedicated by the owner or owners of the land over which the same is laid, by the making and filing of maps or plans of the same or by any method other than the methods prescribed in the act to which this is a supplement, may be vacated or altered by proceedings to be commenced in the manner provided by the first section of the act to which this is a supplement, for the vacation of public roads, and to be conducted in all things in the manner prescribed by said act; *provided*, that this act shall not apply to cities and towns where the municipal authorities have, by special charter, power to vacate such roads and streets by methods prescribed in such charters. Proceedings for alteration or vacation of road or street. Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Passed March 2, 1885.

CHAPTER XLVI.

An Act to authorize turnpike companies to issue bonds, and to secure the same by mortgaging their franchises.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any turnpike company heretofore incorporated under the laws of this state by special May issue bonds for improvement of turnpike.

act of incorporation, shall have power to borrow such sum or sums of money, from time to time, not to exceed in the whole double the amount of its paid up capital stock as shall be needed to improve, maintain or repair said turnpike, and to secure the re-payment thereof by the execution, negotiation and sale of any bond or bonds secured by mortgage on the corporate franchises, real and personal estate, and all other property of such company, or any part thereof.

Dividends not to exceed five per cent. of capital.

2. *And be it enacted*, That any turnpike company that shall issue bonds by virtue of this act shall not pay dividends amounting to more than five per cent. of its capital stock per annum, until all the bonds that shall have been issued by such company shall have been redeemed and cancelled.

3. *And be it enacted*, That this act shall take effect immediately.

Passed March 2, 1885.

CHAPTER XLVII.

A Supplement to an act entitled "An act to enable incorporated towns to construct water works for the extinguishment of fires and supplying the inhabitants thereof with pure and wholesome water," passed March fifth, one thousand eight hundred and eighty-four.

Provisions of act extended.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the provisions of the act to which this is a supplement be extended and applied to all incorporated boroughs, camp-meeting associations, and other municipal commissions in this state, by whatever name they may be designated, in their act of incorporation.

Section to be amended.

2. *And be it enacted*, That section nineteen of the act to which this is a supplement, be and the same is hereby amended so that the same shall read and be

Deposit of funds in bank.

[19. *And be it enacted*, That it shall be the duty of said water commissioners to keep all funds which may come in their hands on deposit with one or more of the banks located

in said town, borough, camp-meeting association, and other municipality, and in case there are no banks in said town, borough, camp-meeting association, or other municipality, said funds shall be deposited in such bank or banks as may be designated by said board of commissioners or other governing body of such town, borough, camp-meeting association or other municipality, and they shall draw said funds How drawn. by checks upon said bank or banks to be signed by at least two of their number which said checks shall specify briefly the purposes for which the same are drawn, and the said water commissioners shall keep accurate accounts of their receipts and disbursements, in proper books, to be provided Accounts to be kept, &c. by them for that purpose, and which shall always be open for the inspection of the commissioners or other governing power of said town, borough, camp-meeting association or other municipality and their authorized agents, and which accounts shall be annually in the month of March, audited by a committee of said board of commissioners of said town, borough, camp-meeting association or other municipality, and a short abstract thereof shall be published with the annual statement of the town finances; every water commissioner at the expiration of his term of office shall deliver to his co-commissioners all books and papers which he may have in his possession or custody by virtue of his said office; and all books and papers of said water commissioners which are no longer currently needed by them shall be deposited with the clerk of said town, borough, camp-meeting association or other municipality, who is hereby required to keep them safely in his office, but with liberty to said water commissioners at all times to examine the same in said clerk's office; *provided*, nothing in this act shall be construed to Proviso. apply to towns and boroughs having special acts.]

2. *And be it enacted*, That this act shall take effect immediately.

Passed March 9, 1885.

CHAPTER XLVIII.

A Further Supplement to an act entitled "An act relative to sales of lands under a public statute or by virtue of any legal proceedings," (Revision) approved March twenty-seventh, eighteen hundred and seventy-four.

Sale not invalidated by omission of portion of advertisement.

Proviso.

Proviso.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no sale of lands heretofore made shall be invalidated by the omission of a portion of the newspaper advertising provided for in the act to which this act is a supplement, or in any other act supplementary thereto ; *provided*, that such sale shall have been advertised in a newspaper printed and published at the county seat of the county wherein said lands are situated once in each week for thirty days next preceding such sale, and in one other newspaper of said county three weeks next preceding such sale ; *provided, further*, that all the other provisions of said act shall have been complied with, and that this act shall not be construed to regulate any sales of lands to be made after this act goes into effect.

2. *And be it enacted*, That this act shall take effect immediately.

Passed March 9, 1885.

CHAPTER XLIX.

An Act for the establishing and maintaining sewers in localities governed by commissioners.

May contract for removal of sewage and construction of sewers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the commissioners of any incorporated locality, governed by a board of commissioners, to contract with any person, persons or

corporation for the removal of sewage, and for the construction of a comprehensive system of sewerage within the boundaries of such local government, upon such reasonable terms as they may agree upon, also, for said board to make ordinances and rules in relation to the manner of such construction and maintenance of such sewers, and in relation to the manner in which said person, persons or corporation, so contracting, shall exercise their rights.

2. *And be it enacted*, That such person, persons or corporation shall be subject to such rules, ordinances and regulations as said commissioners may establish, and have the right to use such streets for the purpose of the construction of such sewers as may be agreed upon by such board of commissioners, and shall have the right to make such reasonable charges against the owners of buildings, which may be connected with said sewers, as the said commissioners may agree to.

Persons subject
to rule of com-
missioners.

3. *And be it enacted*, That the said board of commissioners or other governing body shall have the right to purchase and take from such person, persons or corporation, their entire system of sewerage and drainage, constructed under this act and any supplements that may be made thereto, upon such terms as may be agreed upon between such commissioners and person, persons or corporation, and, at any time after the expiration of twenty years, shall have the right to purchase said system of sewage and drainage, upon payment to said person, persons or corporation of a sum of money equal to the original cost of said works; *provided*, that if said person, persons or corporation shall fail or neglect to keep said system in good, healthy and effective condition, their rights as are guaranteed by this act shall be forfeited to said board of commissioners.

May purchase
system of
sewage.

Provide.

4. *And be it enacted*, That this act shall take effect immediately.

Passed March 9, 1885.

CHAPTER L.

An Act enabling a change of name of certain municipalities incorporated as commissions.

Change of name,
how effected.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when the citizens of any municipality which has been incorporated as the commission, or the commission of shall desire to change such corporate name to that of or the city of it shall be lawful for the legal voters of such commission at any municipal or special election called in accordance with the provisions of this act to vote for or against such change of name.

Advertisement
of election.

2. *And be it enacted*, That when application shall be made to the governing board of such commission for such change of name, such governing board shall cause the clerk of such commission to advertise in the same way and manner as the municipal elections are advertised that such change of name will be voted for at the following election and shall cause to be placed on the ballots at such election the words "for the adoption of the name of city," or "against the adoption of the name of city," and the election officers with the other election returns shall make return to the governing board of such commission a true and correct statement in writing under their hands of the result of the election with reference to the change of name the same to be entered at large upon the minutes of said board.

Return of elec-
tion.

Name of mun-
cipality.

3. *And be it enacted*, That after such change of name shall have been adopted the governing board of such municipality shall be known and styled as "council."

Provisions of
charter not af-
fected by
change of name.

4. *And be it enacted*, That all the provisions of the charters of such municipalities except so much as refers to the name, all ordinances, resolutions and official acts ordained, passed or executed as commissions shall remain legal and of full effect in such places as shall adopt the name of "city" and all provisions, ordinances, resolutions and official acts

ordained, passed or executed under the name of city, shall be legal and of full force and effect as if passed, ordained or executed under the name of commission.

5. *And be it enacted*, That all acts or parts of acts, whether special or general not consistent with the provisions of this act be, and the same are hereby repealed and this act take effect immediately. Repealer.

Passed March 9, 1885.

CHAPTER LI.

An Act to prevent frauds upon travelers.

WHEREAS, Numerous frauds have been practiced upon unsuspecting travelers by means of the sale by unauthorized persons of railway and other tickets; and also upon railroads and other corporations by the fraudulent use of tickets in violation of the contract of their purchase; now, therefore, with the view of preventing and punishing such frauds, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of owner or owners of any railroad, steamboat or other conveyance for the transportation of passengers, to provide each agent who may be authorized to sell tickets or other certificates entitling the holder to travel upon any railroad, steamboat or other public conveyance with a certificate setting forth the authority of such agent to make such sales; which certificate shall be duly attested by the corporate seal if such there be, of the owner of such railroad, steamboat or other public conveyance; and also by the signatures of the owner or officer whose name is signed upon the tickets or coupons which such agent may sell. Certificate of authority to agent to sell tickets.

2. *And be it enacted*, That it shall not be lawful for any person not possessed of such authority so evidenced to sell, barter or transfer for any consideration whatever the whole Unlawful to sell without authority.

or any part of any ticket or tickets, passes or other evidences of the holders' title to travel on any railroad, steamboat or other public conveyance whether the same be situated, operated or owned within or without the limits of this state ; *provided*, such tickets shall have printed thereon, a notice of the penalties imposed by this act, and of the provisions made for their redemption.

Proviso.

Penalty.

3. *And be it enacted*, That any person or persons violating the provisions of the second section of this act shall be deemed guilty of a misdemeanor and shall be liable to be punished by a fine not exceeding five hundred dollars, and by imprisonment not exceeding one year, or either or both, in the discretion of the court in which such person or persons shall be convicted.

Agent to exhibit authority to sell.

4. *And be it enacted*, That it shall be the duty of every agent who shall be authorized to sell tickets, or parts of tickets, or other evidences of the holders' title to travel, to exhibit to any person desiring to purchase a ticket or to any officer of the law who may request him, the certificate of his authority thus to sell, and to keep said certificate posted in a conspicuous place in his office for the information of travelers.

Redemption of tickets.

5. *And be it enacted*, That it shall be the duty of the owner or owners of railroad, steamboat and other public conveyances to provide for the redemption at the terminal station named thereon of the whole or such parts or coupons of any ticket or tickets, that they may have sold, as the purchaser, for any reason, has not used and does not desire to use, at a rate which shall be equal to the difference between the price paid for the whole ticket and the cost of a ticket between the points for which the proportion of said ticket was actually used ; and the sale by any person, of the unused portion of any ticket, otherwise than by the presentation of the same for redemption, as provided for in this section, shall be deemed to be a violation of the provisions of this act and shall be punished as hereinbefore provided ; *provided*, that this act shall not prohibit any person who has purchased a ticket from any agent authorized by this act, with the bona fide intention of traveling upon the same the whole distance between the points named in the said ticket, from selling the unused part of the same to the company that sold the same, and it shall be the duty of the said com-

Proviso.

pany to pay for such unused portion of ticket the difference between the actual fare to point used and the amount paid for such ticket.

6. *And be it enacted*, That this act shall be deemed a public act and shall take effect immediately.

Passed March 9, 1885.

CHAPTER LII.

An Act to provide for the taxation of the property of persons engaging temporarily in business in taxing districts subsequently to the completion of the annual assessment by the local assessors.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any person, firm or corporation shall, subsequently to the time fixed by law, for the completion of the annual valuation and assessment for local taxes in any taxing district in this state bring or send into such taxing district any stock of goods or merchandise to be sold or disposed of in a place of business temporarily occupied for their sale, without the intention of engaging in permanent trade in such place, the owner, consignee or person in charge of the said goods or merchandise shall immediately notify the local assessor or board of assessors by whatever name such officer or board shall be designated; and thereupon the assessor or board of assessors, as the case may be, shall at once proceed to value the said stock of goods and merchandise at its true value, and upon such valuation the said owner, consignee or person in charge shall pay to the collector of taxes of the township, town, borough or city, as the case may be, a tax at the rate assessed for state, county and local purposes in the taxing district in the year then current; and it shall not be lawful to sell or dispose of any such goods or merchandise as aforesaid in such taxing district until the assessor or board of assessment shall have been so notified as aforesaid and the tax assessed thereon duly paid to the collector.

Taxation of property of persons engaging temporarily in business.

Penalty for failing to pay taxes.

2. *And be it enacted*, That in case any such owner, consignee or person in charge of such stock of goods and merchandise as is mentioned in the foregoing section shall fail or neglect to notify the proper assessor or board of assessment, or to pay the said tax as is herein required, or shall proceed to sell or dispose of such stock or any portion thereof before the payment of the tax levied on account thereof, the owner of such goods or merchandise shall forfeit to such taxing district a sum equal to twice the amount of tax assessable as aforesaid on account of such stock; such forfeiture may be recovered in an action of debt in the name of the collecting officer of such taxing district in any court having jurisdiction in civil causes to the amount thereof, and such action may be commenced by a writ of attachment which shall issue upon the filing in such court of the affidavit of the collecting officer, showing a cause of forfeiture under this act; the subsequent proceedings in said cause shall be regulated and conducted in the same manner that suits by attachment against non-resident or absconding debtors are conducted; the said penalty shall be preferred before all other debts or claims proved or preferred in such action; any mistake in the name of the owner of the said goods or merchandise shall not affect the right to recover such penalty by an attachment and sale of such stock.

How recovered.

3. *And be it enacted*, That this act shall take effect immediately.

Passed March 9, 1885.

CHAPTER LIII.

A Supplement to "An act for the punishment of crimes," (Revision), approved March twenty-seventh, one thousand and eight hundred and seventy-four.

Persons convicted of malicious mischief sentenced to hard labor.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That in all cases where any person shall hereafter be convicted of malicious mischief under the

act to which this is a supplement, it shall be lawful for the such court before which conviction shall be had, to sentence such offender to the work-house or jail, there to be kept at hard labor for the term for which he shall be sentenced.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 9, 1885.

CHAPTER LIV.

A Further Supplement to an act to establish a state industrial school for girls, approved April fourth, one thousand eight hundred and seventy-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the powers conferred by the act to which this is a supplement and by the supplements thereto upon the justices of the supreme court be and they are hereby extended to the presiding law judge of the court of common pleas of all counties which now have or may hereafter have such an officer. Powers of acts extended to presiding judges of common pleas.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 9, 1885.

CHAPTER LV.

An Act to further amend section seventy-nine of the act entitled "An act for the organization of the National Guard of the state of New Jersey," approved March ninth, one thousand eight hundred and sixty-nine.

Section
amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section seventy-nine of the act entitled "An act for the organization of the National Guard of the state of New Jersey," approved March ninth, one thousand eight hundred and sixty-nine, be and the same is hereby amended so as to read as follows:

Widow and
minor children
to receive re-
ward.

[79. *And be it enacted*, That the widow and minor children of any officer or soldier who may have been within three years last past, or who may hereafter be killed or fatally injured in the performance of any actual service of this state, or while engaged in any parade, encampment or brigade, regimental or battalion inspection (not in the service of the United States), or any officer or soldier who may be wounded or disabled in the performance of any actual service of this state, shall receive from the treasury of this state, the like reward that persons under similar circumstances receive from the United States; and in cases of fatal injury, such reward shall date from the time of receiving the injuries on account of which such reward is allowed.]

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 9, 1885.

CHAPTER LVI.

A Further Supplement to an act entitled "An act to amend and consolidate the several acts relating to game and game fish," approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That nothing in the act to which this is a supplement shall hereafter be construed as applying to the English sparrow, and that all said English sparrows shall be excluded from any protection whatever. Act not to apply to English sparrows.

2. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed.

3. *And be it enacted*, That this act shall be deemed to be a public act and to take effect immediately. Repealer.

Approved March 9, 1885.

CHAPTER LVII.

An Act to protect children.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all and every person or persons having in his, her or their custody or control, lawful or unlawful, any minor child under the age of eighteen years, who shall apprentice, give away, let out, hire or otherwise dispose of such minor or minors for the purpose of begging, singing and playing on musical instruments, or for any other mendicant business whatsoever, or in any immoral conduct or occupation in the streets, Penalty for apprenticing minor children for mendicant or immoral purposes.

roads and other highways and public places of this state, and whoever shall take, receive, hire, employ, use or have in custody, any such minor or minors, under the age of eighteen years, and use or employ him, her or them, in any mendicant or immoral business whatsoever, either in public or private places within this state, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined or imprisoned; the fine not to exceed one thousand dollars and the imprisonment not to exceed two years at hard labor in the discretion of the court.

Court may commit minor to reform school.

2. *And be it enacted*, That if upon such conviction, the minor or minors shall have no home or means of support and no one to take proper care of him, her or them, the court may, in its discretion, if it shall appear a humane and proper thing to do, commit such minor or minors to the state reform school for boys or the state industrial school for girls, until said minor or minors attain the age of eighteen years or for a less age in the discretion of the court.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 9, 1885.

CHAPTER LVIII.

An Act relating to arrearage of water rents or charges for the use of water furnished by cities wherein water works are owned and controlled by the city authorities.

Municipal authorities may shut off water from building of person neglecting to pay rent.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That in any city of this state, wherein water works are owned by the city and controlled by the city authorities, the municipal department of the city government having charge of such water works or the regulation of the distribution and use of water from the reservoir or reservoirs connected with such water works, shall have full power and authority in case of the neglect or refusal of any person or corporation to promptly pay for the

use or rents of water heretofore or hereafter furnished by such city or any municipal department thereof, in or upon any building, place or premises, to shut off the supply of water from such building, place or premises, and to make, adopt and enforce such by-laws, rule or rules and regulations as may be deemed proper by such municipal department in relation thereto, and in case the supply of water shall be shut off from any building, place or premises for non-payment of water rent or water rents, the said city or such municipal department aforesaid, shall not be compelled again to supply said building, place or premises, or any additional building or erection thereon, with water, until said arrears, with interest and penalties, if required, shall be fully paid and satisfied; nothing in this act contained shall be so construed as in any manner to deprive the said city of any rights which it now has to prosecute any person or persons, corporation or corporations, for the use of water or the power to sell lands and premises for unpaid water rents, or otherwise deprive the city of any existing rights regarding the same. Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 9, 1885.

CHAPTER LX.

An Act to provide additional shop room at the New Jersey state prison.

WHEREAS, The laws of this state provide for the abolition Preamble.
of the existing system of contracts for labor of convicts confined in the state prison of this state and for the employment of the said convicts in the manufacture of goods to be used in other state institutions or under either the system commonly known as the "piece price plan" or the system known as the "public account system,"

AND WHEREAS, In the opinion of the authorities of the said prison the present shop room connected therewith is

wholly insufficient for the successful establishment of either of the plans authorized by law ; therefore,

Building commission constituted.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That for the purpose of altering the present buildings or erecting new buildings to provide the necessary facilities for the proper employment of the said convicts, the board of inspectors together with the principal keeper and the supervisor of the said prison are hereby appointed and constituted a building commission, with authority to purchase the necessary material, to employ the necessary labor and incur such other expense as may be necessary to alter or construct such shops with the approval of the governor of the state as may be required to carry out the aforementioned purposes.

Powers.

Appropriation.

2. *And be it enacted*, That the sum of fifteen thousand dollars or so much thereof as may be necessary, is hereby appropriated for the purpose of this act and the said commission shall have power to use for the said purposes (if in their judgment it shall become necessary) any unexpended balance of the sum appropriated by an act entitled "An act making an appropriation for the extension of the state prison walls," approved April eighteen, one thousand eight hundred and eighty-four ; *provided*, that in the alteration or construction of the said buildings all materials and work which in the opinion of the said commission can advantageously to the state be furnished or done by contract shall be so done or furnished after due advertisement for proposals ; *and provided, further*, that so far as shall be deemed practicable the labor of the convicts in the said prison shall be employed and utilized in the said alteration or construction.

Proviso.

Proviso.

Expenses, how paid.

3. *And be it enacted*, That the comptroller of the state is hereby empowered and authorized to draw his warrants from time to time upon the state treasury for the expenses incurred in carrying out the provisions of this act upon bills and vouchers certified and approved by the said commission.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 10, 1885.

CHAPTER LXI.

An Act to amend the act entitled "An act to organize and establish a state board of agriculture," approved April twenty-two, one thousand eight hundred and eighty-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act the county board of agriculture in each county of this state, the state and Pomona Granges of Patrons of Husbandry, the State Agricultural Society and the State Horticultural Society shall each have power to select and appoint two directors to the state board of agriculture who shall hold that office for two years. May appoint two directors to state board.

2. *And be it enacted*, That the state board of agriculture shall have the right and power to elect their officers and committees or any of them either from among the directors or from among any of the members of the board who are not directors. Election of officers.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 10, 1885.



CHAPTER LXII.

A Supplement to an act entitled "An act respecting the orphans' court and relating to the powers and duties of the ordinary, and the orphans court and surrogates," (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four.

May amend
defects in pro-
ceedings.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in order to prevent the failure of justice by reason of mistakes and objection of form, it shall be lawful for the orphans' court or the ordinary, at all times, and in all cases, including estates now in process of settlement, to amend all defects and errors in any proceeding, whether there is anything in writing to amend by or not, and whether the defect or error be that of the party applying to amend or not, and all such amendments may be made with or without costs, and upon such terms as to the orphans' court or ordinary may seem fit; and all such amendments as may be necessary for the purpose of determining in the existing suit or proceeding the real question in controversy between the parties, or the real question raised on the application to amend, shall be so made.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 10, 1885.

WILLIAM KNOFF,
CLERK OF THE SENATE,
JANUARY 1, 1885.

CHAPTER LXIII.

A Further Supplement to an act entitled "An act to regulate the practice of the courts of law," (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be necessary to file a bill in equity to obtain a new trial in an action at law, merely because the term in which the verdict was rendered has expired, but a new trial may be granted by a court of law after the expiration of the term. ^{New trial in action at law.}

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 10, 1885.

CHAPTER LXIV.

An Act creating the office of assistant clerk, and providing a suitable salary therefor in counties in which the criminal and civil fees of the clerks go to the county collector for the use of the county.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any county in this state in which it is now or shall hereafter be provided by law that the fees, costs and compensations allowed clerks for services in the criminal and civil courts shall be collected and paid over to the collector for the use of the county, it shall be lawful to have an assistant clerk, to be paid by said collector of said county. ^{May have an assistant clerk.}

- Appointment of** 2. *And be it enacted*, That each of the clerks of said counties of this state, whenever the population of his said county shall exceed sixty thousand, shall appoint, under his hand and the seal of his office, an assistant clerk to be known and designated as such, and that said assistant clerk shall be a public officer, with a term similar to that of said clerk.
- Term of** 3. *And be it enacted*, That the term of such assistant clerks shall commence with their said appointment, and that if said appointment shall be approved by the presiding judge of the court of common pleas of said county, said appointment shall be for the term of five years.
- Powers.** 4. *And be it enacted*, That such assistant clerks shall have and possess all the powers of the county clerk, to be exercised in his absence and under his direction, and it shall be competent for such assistant clerks to do and perform each and every act that the county clerk is required by law to perform, and which said county clerk is authorized by law or custom to do or perform.
- To use name of clerk.** 5. *And be it enacted*, That said assistant clerks shall use the name and seal of the county clerk in his official acts.
- Oath of office.** 6. *And be it enacted*, That after the appointment of said assistant clerks respectively they shall severally subscribe an oath and file the same in the office of the county clerk, that they will support the constitution of the United States and the state of New Jersey, and that they will demean themselves in office faithfully and well, and truly perform the duties of their office to the best of their knowledge, skill and ability,
- Bond to be given.** 7. *And be it further enacted*, That each of said assistant clerks shall, before he enters upon the duties of his office enter into a bond to the state of New Jersey in the sum of two thousand dollars with two sufficient sureties which said bond shall be approved as to form and security by the presiding judge of the court of common pleas, and shall be recorded in the office of the secretary of state, conditioned for the faithful performance of the duties of his office, and that any party aggrieved by the acts of said assistant clerk shall, after obtaining permission in writing of the chancellor of this state, prosecute said bond in the name of the state of New Jersey for the use of the party aggrieved, and that, for all purposes of suit a certified copy of said bond shall be,
- Proviso.** and be taken to be, the original; *provided*, that no prosecu-

tion upon said bond shall be had after four years from and after the expiration of his term of office.

8. *And be it further enacted*, That the said assistant clerk ^{Salary.} shall be paid the sum of two thousand dollars per annum in equal quarterly payments by the county collector.

9. *And be it enacted*, That this act shall take effect immediately.

Passed March 10, 1885.

CHAPTER LXV.

A Further Supplement to an act entitled "An act for the formation of borough governments in seaside resorts," approved March twenty-ninth, one thousand eight hundred and seventy-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful ^{Assessment and collection of taxes in borough.} for the council of any borough incorporated under the act to which this is a supplement to order and cause to be assessed and raised by tax every year, such sum of money, not exceeding twenty mills on the dollar, as they shall deem expedient for the current expenses of such borough, and for all other objects and purposes authorized by the act to which this is a supplement; to be assessed and collected in the same manner as the assessors and collectors of townships are or may be by law required to assess and collect the state and county taxes; which taxes when collected shall be subject to the order of said council; and the said council may from time to time borrow such sum or sums of money, not exceeding ten mills on the dollar of the assessed value of the property in the borough in any one year, and then only for the purpose of anticipating the next year's taxes, in the corporate name of the borough, for all purposes for which they are authorized by the act to which this is a supplement to raise money by tax, as they deem necessary, and secure the payment thereof by bond or other instrument,

Proviso. under the common seal of the borough and signature of the mayor attested by the clerk, and to provide by tax for the payment thereof within the ensuing year; *provided*, that no loan shall be made without the concurrence of a majority of all the members of said council.

Proceedings to raise additional sums of money by tax. 2. *And be it enacted*, That whenever hereafter a greater sum of money than the said sum of twenty mills on the dollar shall, in the opinion of said council, be necessary to be raised in any one year for the use of such borough, then and in such case the said council are hereby authorized to give notice to the property holders of the borough by advertisement, published in one newspaper, if any there be printed in the county in which such borough is situate, for at least two weeks, once in each week, before acting thereon; and by printed hand bills put up in five of the most public places in such borough for a like period, stating the sum of money necessary to be raised and the purposes and uses for which such money is needed, and upon obtaining the written consent of persons representing one-half or more of the taxable property in said borough, as represented by the duplicates of the borough assessor for the previous year, said members of council may proceed to vote thereon; and every sum of money so voted by any resolution of said council to be raised by tax in said borough, shall be assessed and collected the same as other taxes are assessed and collected; providing always that whenever council shall, by a unanimous vote, declare any sum, not exceeding two thousand dollars, in any one year, to be necessary for the repairing or maintaining of the beach front, such sum so voted upon, shall be assessed and collected in the same manner that the other taxes are assessed and collected, and said council may, if by a unanimous vote they declare it necessary, borrow such sum in anticipation of its assessments and collection, giving therefor such bond or bonds as they are hereinbefore authorized to issue.

Proviso. 3. *And be it enacted*, That all acts or parts of acts inconsistent with this act be and the same are hereby repealed, and that this act shall take effect immediately.

Repealer. Passed March 10, 1885.

CHAPTER LXVI.

An Act respecting judges of the court of common pleas.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no justice of the peace shall be hereafter appointed a judge of the inferior court of common pleas, and the appointment of any justice of the peace to be such judge and his qualification as such shall vacate his office of justice of the peace. Justice of the peace not to be appointed judge of common pleas.

2. *And be it enacted*, That this act shall take effect immediately.

Passed March 10, 1885.

CHAPTER LXVII.

An Act to secure the payment of the interest and principal of bonds now issued and that may be issued in pursuance of an act entitled "An act in relation to encumbered cities," approved March seventeenth, one thousand eight hundred and eighty-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the officers, boards or authorities having power to assess and levy taxes for state and county purposes in any municipality, and they are hereby empowered to levy an additional tax therein for the purpose of securing the payment of the interest as it accrues, and the principal when due, on all bonds now issued and that may be issued by any city within their county, in pursuance of an act entitled "An act in relation to encumbered cities," approved March seventeenth, one Empowered to levy additional tax to secure bonds.

thousand eight hundred and eighty-one, but no tax shall be levied in anticipation of the issuing of any such bonds; such additional tax, when levied, shall be collected by the appropriate officers of the municipality, and used and applied exclusively for the purposes aforesaid.

Lawful to appropriate claims for unpaid taxes to payment of bonds, &c.

2. *And be it enacted*, That it shall be lawful for the council or other legislative body of any municipality which has issued, or shall issue, any bonds under the authority of said act of March seventeenth, one thousand eight hundred and eighty-one, to appropriate to their payment by ordinance which shall have the force of contract, any or all claims or demands due to such municipality for unpaid taxes and assessments and the moneys that may be collected thereon; that after the passage of such ordinance all moneys collected on account of the taxes and assessments so appropriated shall, as fast as collected, be paid over to a trustee to be appointed by such council or other legislative body, and used by said trustee exclusively, either for the purchase of said bonds, in such manner as may be provided in such ordinance, or for their payment, if payable, either in full or *pro rata*; and all bonds so purchased or paid in full shall be at once delivered to the municipality and canceled; said ordinance may also provide that the said bonds and accrued interest shall be the only bonds or class of bonds or obligations of the municipality that shall thereafter be received in payment of the taxes and assessments so appropriated to their security and payment; the said council or other legislative body shall have full power to pass from time to time such ordinances, and enter in such contracts with a trustee or trustees for the benefit of the holders of bonds, issued and to be issued under the said act of March seventeenth, one thousand eight hundred and eighty-one, as such council or legislative body shall deem necessary or proper to carry out the powers herein granted.

Repealer.

3. *And be it enacted*, That all acts and parts of acts, general, local or special, inconsistent with the provisions of this act be and the same are hereby repealed, and this act shall take effect immediately.

Passed March 10, 1885.

CHAPTER LXVIII.

An Act to authorize the issue of bonds for the erection or rebuilding of public buildings destroyed by fire and purchase of fire apparatus.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any incorporated town in this state having more than five thousand inhabitants as shown by the last census, where buildings for the use of its government and fire department have existed and been maintained, and where the same have been destroyed by fire, it shall be lawful for the common council, town committee, or other governing body of such town, to raise money by the issue of bonds, for the purpose of erecting, providing and properly furnishing suitable buildings for the uses and purposes of the town government, and all departments created by, or existing under it, and for the proper equipment of a fire department with necessary apparatus for protection against fire. Authorized to issue bonds.

2. *And be it enacted*, That the said bonds shall state upon their face the purpose for which they were issued, and the term for which such bonds shall run shall not be longer than thirty years; and they shall be redeemable any time after the expiration of five years, at the option of the town; and shall be of denominations of not less than five hundred dollars, and the total amount of bonds so issued by authority of this act shall not exceed the sum of thirty thousand dollars; and shall bear a rate of interest not to exceed six per cent. per annum, payable semi-annually in the months of January and July. What to be stated on face of bonds, &c.

3. *And be it enacted*, That the amount necessary for the payment of the interest of said bonds shall be placed in the appropriations, tax levy, or tax ordinance, to be assessed and raised by taxation, as other moneys are raised for the uses and purposes of the town, together with the sum of one thousand dollars in each and every year, which sum,

when collected, shall be deposited in the sinking fund of the town for the liquidation of the principal of said bonds when due.

Repealer.

4. *And be it enacted*, That all acts and parts of acts, conflicting or inconsistent with this act, be and the same are hereby repealed, and that this act shall take effect immediately.

Passed March 10, 1885.

CHAPTER LXIX.

An Act to cure defective acknowledgments of conveyances by corporations.

Acknowledg-
ment validated.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the acknowledgments and records of any and all deeds of conveyance of land tenements and real estate situate within this state heretofore made, executed and delivered by any corporation, organized under the laws of this state, and having for its object the purchase, improvement or sale of lands, but which deeds have been acknowledged by an officer of the grantor corporation instead of having been proved by a subscribing witness thereto, be and the same are hereby declared as good, valid and effectual, as if the same had been duly proved; *provided*, said deed or deeds shall have been recorded in the clerk's or register's office of the county wherein such lands are situated for five years last past.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 11, 1885.

CHAPTER LXX.

An Act for the ascertainment, protection and enforcement of the rights of the state, under special charters, in certain railroad and canal property.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the attorney-general of this state to ascertain what companies have special privileges or immunities and what privileges or immunities by virtue of their charters other than such privileges and immunities as are granted by the general railroad act of the state, and in particular that he ascertain what companies, if any, have privileges or immunities with respect to taxation, and with respect to the right to charge tolls, fares and rates of compensation for the transportation of freight or passengers, and that he estimate the pecuniary value of these privileges as compared with the status of the same companies if organized under the general railroad law.

Attorney-general to ascertain what companies have special privileges.

2. *And be it enacted*, That it shall be the duty of said attorney-general to ascertain and report what special rights are reserved or given to the state in any railroad or canal company or in its property, other than such rights as are reserved to the state by the general railroad law in corporations organized thereunder or in their property, and in particular that he ascertain the companies whose property may, by their charters, be taken by the state in any other manner than by the exercise of the right of eminent domain, and in what manner and on what terms the same may be taken, and the probable value of such right to take the same, and the probable cost of such taking.

To ascertain what special rights are reserved by the State.

3. *And be it enacted*, That the said attorney-general shall report either to the present or to the next session of the legislature, or to both, and that he shall frame and report acts or proposed laws for the definite ascertainment, protection and enforcement of the rights of the state in such companies or property wherein the state has a special inter-

To report to legislature and frame acts.

est or for the disposal of such rights at their fair value, which acts may provide for the actual taking of said property by the state or for an agreement with the companies now holding or possessing the said property to sell the same to them, or for the sale of the right of the state to take such property to the highest bidder, or for the repeal of the charters of such companies and the appointment of receivers to take charge thereof on behalf of the state and of all parties concerned, or for such other measures as shall seem just and for the interest of the state, having in view the abolition of all special privileges or immunities and the realization to the state of the fair value of its rights and interests in railroad property and corporations.

May employ
counsel and as-
sistants.

4. *And be it enacted*, That said attorney-general may employ such counsel, clerks, stenographers and other assistants as may be necessary, and the treasurer of the state is hereby authorized and directed to pay, on the warrant of the comptroller, the expenses incurred under the provisions of this act, the same being first properly certified by the attorney-general.

Empowered to
examine wit-
nesses, etc.

5. *And be it enacted*, That for the purposes of this act the attorney-general shall have power to examine witnesses and take evidence and require the production of books and papers; if any person shall refuse to appear and testify before him when required or to produce books and papers under his control when required, the attorney-general may apply to any justice of the supreme court for an order to compel such appearance and production, and the disobedience of such order shall be a contempt of the supreme court and shall be punished by said justice in the same manner as such contempts are punished.

6. *And be it enacted*, That this act shall take effect immediately.

Approved March 11, 1885.

CHAPTER LXXI.

An Act to amend an act entitled "An act to establish a system of public instruction," approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section seventy-six of said act be amended so as to read as follows : Section amended.

[76. *And be it enacted*, That for the purpose of defraying the expenses of teachers' institutes, the procuring of teachers and lecturers for said institutes, and other necessary expenses of the same, in each county of the state, there may be paid annually to the county superintendents of the respective counties, upon the certificate of the state superintendent of public instruction a sum not exceeding one hundred dollars to one teachers' institute in any county ; and where two or more counties join in holding a union institute each county so uniting may receive a like sum, the same to be paid on the certificate of the state superintendent of public instruction out of the income of the school fund upon the warrant of the comptroller upon itemized accounts rendered to him by the state superintendent of public instruction of the expenses incurred.] Annual appropriation for expenses of teachers' institute.

Approved March 11, 1885.

CHAPTER LXXII.

An Act to provide compensation to constables for extra services rendered to the courts of the several counties of this state.

Compensation
for extra ser-
vices.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any constable of any circuit court, court of oyer and terminer, court of general quarter sessions of the peace or court of common pleas of this state shall be required by any of the said courts to attend upon any jury while out considering of their verdict for more than six hours after the usual hour of adjournment of said courts, then it shall be lawful for the presiding judge of said court in his discretion to order that the said constable be allowed extra compensation for the said extra attendance at the same rate as is now allowed by law for regular daily attendance upon said courts and to be paid in the same manner as constables are now paid for attendance upon the said courts.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 11, 1885.

CHAPTER LXXIII.

An Act to amend an act entitled "An act relative to the jurisdiction and practice of district courts in this state," approved March twenty-seventh, eighteen hundred and eighty-two.

I. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section three of said act be and the same is hereby amended to read as follows: Section amended.

[3. *And be it enacted*, That the pleadings to be filed in said district courts in any suit where the debt demanded, or damage claimed, actually exceeds the sum or value of two hundred dollars, shall be the same as those in the circuit courts of the several counties of this state, and the declaration in any such suit shall be filed within ten days after the return day named in the summons, and the plea or demurrer of the defendant shall be filed within ten days after the time limited for filing the plaintiff's declaration; and each succeeding pleading, until the cause is at issue, shall be filed within ten days after the time limited for pleading by the opposite party; and every cause when at issue shall be noticed for trial within twenty days thereafter, and at least five days notice of trial shall be given by the plaintiff and served in the same manner as in the circuit courts of the several counties of this state; and if the plaintiff shall neglect to notice his cause for trial within said time, judgment shall be awarded for the defendant as in case of a non-suit, with costs, unless the court allow further time; and the costs to be taxed in any such cause shall be the same to the attorney, court, clerk and sheriff as are taxable in the circuit courts of the several counties in this state; *provided, however*, that in case the plaintiff shall upon, or within ten days after, the return day of the summons file his declaration and serve a copy thereof on the defendant or his attorney, the defendant shall plead or demur thereto within ten days from the date of such service, and in default thereof the plaintiff Pleadings to be filed as in circuit courts, etc. Provided.

may have judgment in the same manner that judgment by default is rendered in the circuit courts of the several counties in this state.]

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 11, 1885.

CHAPTER LXXIV.

A Further Supplement to an act entitled "An act to establish a system of public instruction," approved March twenty-seventh, one thousand eight hundred and seventy-four.

Section
amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section fifty of the act to which this is a supplement be amended so as to read as follows:

City board of
examiners may
be appointed in
certain cities.

[50. *And be it enacted*, That in every city having a board of education governed by special laws, there may be a city board of examiners to consist of such members as said board of education of that city may appoint; said examiners shall have power, subject to such rules and regulations as may be prescribed by the city board of education, to grant certificates of qualification, which shall be valid for all schools of that city; and no teacher shall be employed in any of the schools of that city unless possessing such certificate, or a state certificate, nor in any school of a higher grade than that for which said certificate represents the holder to be qualified; any city board of examiners may recognize the certificates of any other city, and without examination issue to the holders certificates of a corresponding grade.]

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 11, 1885.

CHAPTER LXXV.

A Further Supplement to an act entitled "An act for the formation of borough governments," approved April fifth, one thousand eight hundred and seventy-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section three of a supplement to the act entitled "An act for the formation of borough governments," which supplement was approved March thirteenth, one thousand eight hundred and eighty-three, be amended so as to read as follows: Section amended.

[3. *And be it enacted*, That the mayor and council of boroughs organized under the act to which this is a supplement shall have power and authority to provide by ordinance (either general or special) for constructing, relaying, repairing and keeping in repair the sidewalks on any and all streets, roads, avenues or public places in general use within the borough, or which are or may be laid out upon any map of lands therein, at the cost and expense of the owner or owners of the lands in front of which the same may be so constructed, relaid or repaired, provided that all such ordinances shall provide for allowing such owner or owners at least thirty days' time within which to perform the work required thereby, and that written notice of the required work be sent to such owners by mail, if their post office address be known; if not known, then by posting such notice on the premises affected thereby, or leaving the same with any occupant thereof, or by personal service if resident of borough.] May provide for construction of sidewalks.

2. *And be it enacted*, That the mayor and council shall keep an itemized account of the cost and expense of the work performed by them as contemplated in the last preceding section of this act, in front of each lot or tract of land, and shall either assess the same upon the lands in front of which such work was done, or may sue for the same in any court of competent jurisdiction in an action of debt, or Expenses assessed on land.

certify the said cost and expense, together with a short description of the lot or tract of land in front of which the work was done on or before August first in each year, to the assessor of taxes within the borough, who shall assess the same upon the lands so described under name of "sidewalk assessments" at the same time and in same manner as general taxes for that year, which when so assessed shall be and become a first lien on such lands, and be collected at same time and in same manner as such other tax.

Legal voters to designate amount to be raised for road purposes.

3. *And be it enacted*, That the legal voters of boroughs incorporated under the act to which this is a further supplement shall annually by vote upon the same ballot used in voting for mayor and councilmen designate an amount of money to be raised by taxation upon the real and personal property within the borough for the purpose of working, permanently improving, macadamizing, repairing and keeping in repair the accepted streets, roads, avenues and public places therein, and the laying, repairing and keeping in repair all necessary street crossings in the borough; and the sum of money receiving the greatest number of votes at any such election shall be the sum of money to be raised for the aforesaid purposes within the borough, and the result shall be certified upon the returns of said election and the sum of money so voted shall be assessed and collected at same time and in same manner as other borough tax under the name of "road tax," and the money so raised and collected shall be held by the collector thereof subject only to the warrant of the council signed by the mayor and attested by the borough clerk under the corporate seal; *provided, however*, that in case of failure of the legal voters of the borough to so designate the amount of money to be raised as "road tax" by reason of a tie vote or that this act shall not become a law before the annual election to be held in March, eighteen hundred and eighty-five, or for any other reason then it shall be lawful for the mayor and council at any regular meeting to fix such road tax levy at a sum not exceeding three-fifths of one per cent. of the valuation of the real and personal property within the borough as assessed the preceding year; *and provided, further*, that no township or other road tax shall be assessed or collected within the borough.

Proviso.

Proviso.

4. *And be it enacted*, That every ordinance passed by the council and every resolution of such council appropriating or tending in any way to pecuniarily obligate the borough and also resolutions auditing or directing the payment of bills or demands together with such bills shall before the same or either of them take effect and within five days after the passage thereof (Sundays excepted) be presented to the mayor, if he approves it he shall sign it, if not, he shall return the same within seven days (Sundays excepted) after its receipt by him to the borough clerk with his objections thereto in writing, and the council shall at their next regular meeting cause the objections to be entered at length on their minutes, and proceed to reconsider the same, and if two-thirds of all the members of the council shall vote to pass the same it shall take effect; if such ordinance, or resolution, shall not be so returned by the mayor within seven days (Sundays excepted) after he receives it, then it shall take effect the same as if he shall have signed it; *provided*, that if any resolution or bill shall contain more than one distinct section, clause or item the mayor may approve one or more thereof and veto the rest.

Ordinance to be approved by mayor or returned within seven days.

Proviso.

5. *And be it enacted*, That it shall be lawful for the mayor and council, at any sale of lands for unpaid taxes or assessments to cause the same to be purchased (in case of no bidders) in the corporate name of the borough for the use and benefit of the borough, and to hold, possess and enjoy the same and the rents and profits thereof, as provided by law.

Lands sold for unpaid taxes may be purchased by borough.

6. *And be it enacted*, That when the election for borough officers falls on the same day as the annual township election, within which such borough is situate, the polls for the borough election shall open and close at same time as the polls of such township election.

7. *And be it enacted*, That the mayor and council shall have power and authority to provide by ordinance for the curbing and guttering of any street, road, avenue or public place, or any part thereof, within the borough, and assess the cost and expense thereof, upon the several lots or parcels of land and real estate within the borough specially benefited thereby, and in proportion to the benefits received by each one of said lots or parcels of land and real estate, and no lot or parcel of land shall be assessed more than bene-

May provide for curbing streets and assess expenses on lands benefited.

fited, and if there be any surplus of such cost and expense after making the said assessments, then such surplus shall be borne by the borough at large, and shall be assessed and collected at same time and in same manner as borough taxes are assessed and collected, and that all such assessments made as herein directed, shall be, become and remain from date of such assessment until paid, a first and paramount lien upon the lands and real estate so assessed, and that in case any such assessment shall remain unpaid for the space of sixty days after the same shall have been so assessed, then the mayor and council shall proceed to collect the same, together with interest from date of assessment, at and after the rate of ten per cent. per annum, and all costs and expenses thereof, by the sale of the lots, tracts or parcels of land so assessed, in the same manner and form and to like effect in all things as prescribed for the sale of lands for unpaid taxes under and by virtue of an act entitled "A further act concerning taxes, making the same a first lien on real estate, and to authorize sales for the payment of the same," approved March fourteenth, one thousand eight hundred and seventy-nine.

Borough clerk
may take oaths.

8. *And be it enacted*, That the borough clerk shall have power and authority to take and administer oaths, affirmations and affidavits in all borough matters required, with like force and effect in all things, as if taken by a justice of the peace, and to charge therefor a fee of ten cents for his own use.

Warrant by
mayor, how
served.

9. *And be it enacted*, That such warrants or other process as the mayor may lawfully issue may be legally served or executed throughout the county within which the borough is situate, and may be served or executed in other counties in like manner as warrants of justices of the peace now are.

Taxes, how
assessed.

10. *And be it enacted*, That the assessor shall assess all taxes to be by him levied and assessed within the borough in a separate and distinct tax duplicate from township taxes, the same to be provided as other duplicates now are.

Election of
officers.

11. *And be it enacted*, That the election of the first officers of boroughs incorporated under the act to which this is a further supplement may be held on any Tuesday after two weeks from the date of filing of the certificate of the result of the election referred to in section three of said act.

Repealer.

12. *And be it enacted*, That all acts and parts of acts,

both general and special, inconsistent with the provisions of this act, be and the same are hereby repealed.

13. *And be it enacted*, That this act shall take effect immediately.

Passed March 11, 1885.

CHAPTER LXXVI.

An Amendment to an act entitled "An act in relation to the payment of assessments for local improvements," approved April fifth, one thousand eight hundred and seventy-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the fourth section of the said act be and the same is hereby amended so as to read as follows: Section amended.

[4. *And be it enacted*, That in municipal corporations in which there are commissioners of the sinking fund it shall be lawful for the said commissioners by resolution to limit the time within which, and to decide what class of, bonds shall be received for assessments, and to determine whether bonds shall be received for assessments hereafter laid or not.] Commissioners may decide what bonds received for assessments.

2. *And be it enacted*, That this act shall take effect immediately.

Passed March 11, 1885.

CHAPTER LXXVII.

An Act to to repeal an act entitled "A supplement to 'An act concerning roads,'" approved March twenty-third, one thousand eight hundred and eighty-three.

Act repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That an act of the legislature of this state entitled "A supplement to an act entitled 'An act concerning roads,'" approved March twenty-seventh, one thousand eight hundred and seventy-four, which act was approved March twenty-third, one thousand eight hundred and eighty-three, be and the same is hereby repealed.

2. *And be it enacted*, That this act shall take effect immediately.

Passed March 11, 1885.

CHAPTER LXXVIII.

An Act to authorize the appointment of additional ward assessors in the cities of this state.

Appointment of
additional ward
assessors au-
thorized.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any board or officer authorized in any city to appoint ward assessors or taxing officers in the wards or taxing districts of such city, is hereby authorized to appoint an additional assessor in any ward or taxing district whenever the whole number of assessments in such ward or taxing district shall exceed five thousand; and two additional assessors in any ward or taxing district where the whole number of assessments shall exceed ten thousand in such ward or taxing district; *provided, however,*

that no such additional appointments shall be made where the assessors are paid a fixed salary.

2. *And be it enacted*, That this act shall be deemed a public act, and shall take effect immediately.

Approved March 16, 1885.

CHAPTER LXXIX.

A Supplement to an act entitled "An act relative to the Monmouth battle monument," approved March fourteenth, one thousand eight hundred and eighty-one.

WHEREAS, "The Monmouth Battle Monument Association," Preamble.
a corporation under the laws of this State did, in conformity to the provisions of the act to which this is a supplement, convey to the state of New Jersey the tract of land in the county of Monmouth known as "monument park," containing over three acres;

AND WHEREAS, A monument to commemorate the battle of Monmouth has been erected on said land, by the joint contributions of the people and the state and United States governments, under the supervision of the commission created by said act;

AND WHEREAS, It is represented that the said commission has not sufficient funds remaining to grade, fence and improve said land, the site of the monument, as was contemplated by said act;

AND WHEREAS, Under the provisions of said act the Monmouth Battle Monument Association retained, out of the moneys which had been contributed to said association by the people, the sum of two thousand dollars, the interest from which was intended to be used towards keeping the grounds in order and caring for the monument after the same had been completed;

AND WHEREAS, The said association has also received, since the passage of said act, other moneys towards keeping

the grounds in order and caring for the monument in future;

AND WHEREAS, It is desirable that said grounds should be graded, fenced and improved as speedily as possible so as to cause the site to correspond in beauty with the monument itself;

AND WHEREAS, It is represented that the said association will pay to said commission created by said act all said moneys now in hand, or which may hereafter be received, and transfer to said commission all bonds or evidences of indebtedness belonging to said association, to be used by said commission in grading, fencing, beautifying and improving said grounds, the site of the monument, now belonging to the state of New Jersey; *provided*, that after said improvements shall have been made, the said grounds and the monument shall, until otherwise provided by law, be and remain in the care and under the supervision of said commission to keep the same in order and care for the monument;

AND WHEREAS, One of the chief inducements to the appropriation of the sum of twenty thousand dollars made by the United States toward the erection of said monument was the fact that the title to the site thereof was in the state of New Jersey, which fact was considered a guarantee that the site and the monument would be continually cared for; therefore,

When money
paid proceeds to
be used in im-
proving park.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when "The Monmouth Battle Monument Association" shall pay all the moneys belonging thereto and shall transfer all the bonds and other evidences of indebtedness in possession of said association to the said commission created by the act to which this is a supplement, the said commission may receive the same and shall use the proceeds thereof as soon as practicable, to grade, fence, beautify and improve said Monument Park; *provided*, the sum paid together with the bonds and other evidences of indebtedness transferred as aforesaid by said association to said commission shall exceed in value the sum of twenty-six hundred dollars.

Proviso.

Monument, &c.
to remain in
care of com-
mission.

2. *And be it enacted*, That after the said grounds shall have been improved as aforesaid with the proceeds of the moneys paid over and evidences of indebtedness assigned

by said association to said commission, the said grounds, the site of the monument and the monument itself, shall, until otherwise provided by law be and remain in the care and under the supervision of the commission created by the act of legislature of this state to which this is a supplement.

3. *And be it enacted*, That as soon as the improvements to the grounds as aforesaid shall have been finished, said commission shall make to the governor a report and detailed account of the expenditures in making such improvements, who shall lay the same before the legislature at the next session thereafter and thereafter the said commission shall keep said grounds in order and care for the monument.

When improvements finished commission to make report to Governor.

4. *And be it enacted*, That said commission shall report annually in detail the items of cost of keeping said grounds in order and caring for the monument to the governor of the state for the time being for his approval, and if approved by him, the same shall be paid out of any moneys in the treasury of the state upon warrant of the comptroller, upon vouchers certified by the president of the commission, and such annual report shall be laid annually before the legislature; *provided*, that such annual cost shall not exceed the sum of three hundred dollars.

Commission to make annual report of cost of keeping grounds, &c.

How paid.

Proviso.

5. *And be it enacted*, That the members of said commission shall not receive any compensation for their services under this act or the act to which this is a supplement.

Members to receive no compensation.

6. *And be it enacted*, That this act shall take effect immediately.

Approved March 16, 1885.

CHAPTER LXXX.

An Act to declare and establish the intent and meaning, force and effect of the several acts and parts of acts granting to certain active and exempt firemen, to persons who served in the military or naval forces of the United States during the late war, and to all general and staff officers, all commissioned and non-commissioned officers, musicians and privates of the national guard of this state certain advantages in respect to taxes.

Acts not held to be cumulative in their action.

How exemption claimed.

What exemption claimed when city, &c., set off and incorporated in township.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the several acts and parts of acts granting to certain active and exempt firemen, to persons who served in the military or naval forces of the United States during the late war and to all general and staff officers, all commissioned and non-commissioned officers, musicians and privates of the national guard of this state certain advantages in respect to taxes shall not be deemed or held to be cumulative in their action, but that any person claiming any exemption or deduction from taxation by reason of his belonging to any two or more of the three classes above mentioned, shall elect at the time of making such claim for exemption or deduction one only of the three causes for tax exemption aforesaid and shall make his claim thereunder and not otherwise, and shall not be entitled to have or claim by reason of his belonging to more than one of the three classes aforesaid any other or additional tax exemption whatever.

2. *And be it enacted*, That in the case of a city, town or borough being or having been set off and incorporated within the bounds of any township, any person claiming tax exemption by reason of his being an active fireman shall only claim exemption from such taxes as shall be assessed against him or his property or both by authority of the municipal corporation under the supervision or control of which he

may be doing public fire duty ; and if such claim is made by reason of his being an exempt fireman, such exemption shall only be made from taxes assessed against him or his property or both by the municipal corporation in the service of which he became an exempt fireman.

3. *And be it enacted*, That any person, whose right to claim any exemption as aforesaid shall accrue prior to the time when such tax shall be due and payable, in any year, shall be entitled to claim such exemption from the taxes assessed during said year, as aforesaid. When entitled to claim exemption from taxes assessed during year.

4. *And be it enacted*, That the following shall be sufficient evidence to the collector or receiver of taxes of the right of any person to claim exemption as aforesaid, to wit : In case of certain active and exempt firemen, the certificate of the clerk of the city, town, borough or township or of such other municipal officer as shall have charge of the records showing what persons are such active or exempt firemen, which shall be furnished without charge, stating that the person claiming such exemption is either an active or exempt fireman ; in case of persons who served in the military or naval forces of the United States during the late war an honorable discharge from such service, which discharge shall be the last discharge, or the certificate of the adjutant general of this state, and in case of all general and staff officers, all commissioned and non-commissioned officers, musicians and privates of the national guard of this state, the following certificates, to wit : Of general, staff and commissioned officers, the certificate of the adjutant-general of this state, and of non-commissioned officers, musicians and privates, the certificate of the commandant of the respective company, band or battery to which they belong, as the case may be ; which certificates shall specify that the person or persons therein named are in the active service of the national guard of this state. What sufficient evidence of right to claim exemption.

5. *And be it enacted*, That in case any two or more persons, residing in the same city, town, borough or township, shall be entitled to certificates, as above provided, from the same officer, or from the clerk of any city, town, borough or township, such certificates may be combined in the form of a list of the persons residing and entitled as aforesaid, which list shall be certified by such officer or clerk, and filed by him with the collector or receiver of taxes of such city, When certificate may be combined.

town, borough or township, at or before the time, in each year, when taxes shall be due and payable therein.

Repealer.

6. *And be it enacted*, That this act shall take effect immediately, and that all acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed.

Passed March 16, 1885.

CHAPTER LXXXI.

A Further Supplement to an act entitled "An act for the protection of fisheries in this state," approved March twenty-first, one thousand eight hundred and seventy-four.

Section
Amended.

I. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section nine of the act to which this is a supplement and which reads as follows :

Lawful to catch
fish in certain
waters.

[9. *And be it enacted*, That it shall be lawful at any and all times for any person or persons to legitimately take or catch with hook and line, or with hook, line and rod any pike, or pickerel, or bass in or from the bodies of water known as Lake Hopatcong and Stanhope Reservoir, situated in the counties of Sussex and Morris in this state, and the bodies of water known as Cranberry Reservoir, Swartswood Pond, Decker's Pond and Culver's Lake, situated in the county of Sussex in this state, and none of the penalties contained in this act shall apply to such legitimate fishing as is provided for in this section,] be and the same is hereby repealed.

2. *And be it enacted*, That this act shall take effect immediately.

Passed March 16, 1885.

CHAPTER LXXXII.

An Act to amend an act entitled "An act for the formation of borough governments in sea-side resorts," approved March twenty-ninth, one thousand eight hundred and seventy-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section twenty-four of an act entitled "An act for the formation of borough governments in sea-side resorts," approved March twenty-ninth, one thousand eight hundred and seventy-eight, be amended to read as follows: Section amended.

[24. *And be it enacted*, That this act is not intended to interfere with any sea-side resort now existing within this state, or to repeal any laws heretofore made for the government of the same.] Act not to interfere with seaside resorts.

2. *And be it enacted*, That this act shall take effect immediately.

Passed March 16, 1885.

CHAPTER LXXXIII.

An Act permitting cities and towns to remit and cancel water rates and to allow the free use of water by charitable institutions.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any city or town where the supply of water for the use of the inhabitants thereof is under the control of the municipal authorities it shall be lawful for the board, council or other authority having charge Authorities may remit water rates to charitable institutions.

thereof in their discretion to cancel and remit any water rate assessed or charge made for the water economically and necessarily used by any hospital, asylum, home for aged women, children's home or other charitable institutions supported and maintained by private benefactions without aid from the public funds.

2. *And be it enacted*, That this act shall take effect immediately.

Passed March 16, 1885.

CHAPTER LXXXIV.

An Act to provide a uniform method of procedure for the recovery of penalties for the violation of the several laws relating to game and game fish.

What magistrates empowered to try persons violating game laws.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter justices of the peace, district courts and police magistrates in cities shall have jurisdiction to try and punish all persons guilty of violating the provisions of the act entitled "An act to amend and consolidate the several acts relating to game and game fish," approved March twenty-seventh, one thousand eight hundred and seventy-four, or any of the acts supplemental to or amendatory thereof, or of any other act or acts of the legislature relating to or regulating the killing or taking of game, game fish or insectivorous or song-birds; and all the different penalties in said acts prescribed for the violation thereof may be enforced and recovered before any justice of the peace, district court or police magistrate in any county where the offence is committed or where the offender is first apprehended.

Proceedings, how conducted.

2. *And be it enacted*, That such justice of the peace, district court or police magistrate, upon receiving due proof by affidavit of one or more persons of the violation of any of said laws by any person or persons, whereby a penalty has been incurred, is hereby authorized and required by warrant, under the hand and seal of such justice or magis-

trate, or under the seal of such district court, as the case may be, directed to any constable, police officer or fish warden of the county, to cause such person or persons to be arrested and brought before such justice, court or magistrate, who shall thereupon in a summary way hear and determine the guilt or innocence of the person or persons so charged, and upon the conviction of any such person or persons upon such hearing the said justice, court or magistrate is hereby authorized and required to impose upon the offender or offenders so convicted the penalty or penalties prescribed for such offence in the act so violated; and if any person or persons so convicted shall fail to pay the penalty or penalties so imposed, together with the costs of the prosecution, the said justice, court or magistrate is hereby authorized to commit such offender to the common jail of the county for a period of not less than ten or more than thirty days.

3. *And be it enacted*, That for the violation of any of said acts done in the view of any constable, police officer or fish warden, such officer is hereby authorized without warrant to arrest the offender and carry him before a justice of the peace, police magistrate or district court of the county wherein such arrest is made; and the justice, court or magistrate before whom such offender shall be taken shall have jurisdiction of the case, and is hereby authorized and required summarily to hear and determine the same after receiving from the said officer an affidavit in writing of the commission of the offence for which the person was arrested. Officers authorized to arrest offenders.

4. *And be it enacted*, That any case begun under this act may for good cause be adjourned by the justice, court or magistrate not exceeding thirty days from the date of the arrest of the defendant, but in such cases it shall be the duty of the justice, court or magistrate to retain the defendant in custody unless he shall enter into bond with at least one sufficient surety to the prosecutor in the cause in double the amount of the penalty prescribed for the offence complained of, conditioned for his appearance at the adjourned day of trial and thence from day to day until the case is disposed of, and then to abide the judgment of the court or otherwise to demand and perfect an appeal to the court of common pleas of the county within ten days from the time of rendering final judgment; any such bond, if for- Case may be adjourned.

feited, may be prosecuted in the name of the said prosecutor or his assigns in any court of competent jurisdiction; all sums of money recovered for the violation of any of said acts or the forfeiture of such bonds, shall be paid one-half to the prosecutor and the other half to the county in which the offence is committed.

May appeal to court of common pleas.

Proviso.

5. *And be it enacted*, That any party to any proceeding instituted under this act may appeal from the judgment or sentence of the justice, court or magistrate to the court of common pleas of the county in which the trial shall take place; *provided*, the party appealing shall within ten days from the rendering of such judgment serve a written notice of such appeal upon the opposite party, pay the costs adjudged against him, and deliver to the justice, court or magistrate, a bond to the opposite party in the sum of fifty dollars, with one sufficient surety, conditioned to prosecute the appeal and to stand to and abide by such order or judgment of the court as may be made against him in the premises.

When appeal taken papers to be sent to common pleas.

6. *And be it enacted*, That whenever an appeal shall be taken as aforesaid, it shall be the duty of the justice, court or magistrate to send all the papers in the case to next court of common pleas of the county, which court shall receive, try and determine all such appeals in the same way and manner that appeals from the judgment of courts for the trial of small causes are tried and determined in that court.

No state of demand required, &c.

7. *And be it enacted*, That in cases under this act no state of demand or other pleadings shall be required, but the preliminary affidavit shall specify the act and section thereof claimed to have been violated.

Fish wardens vested with same power as constables.

8. *And be it enacted*, That the duly appointed and commissioned fish wardens of this state shall have the same powers and be entitled to the same fees for the service of process in cases instituted under this act that constables have and are entitled to under the act constituting courts for the trial of small causes.

Prevailing party to recover costs.

9. *And be it enacted*, That in all proceedings under this act the prevailing party shall recover costs, and the same fees and costs shall be allowed therein as in trials before justices of the peace holding courts for the trial of small causes.

Repealer.

10. *And be it enacted*, That the act entitled "Supplement

to an act entitled 'An act to amend and consolidate the several acts relating to game and game fish,' prescribing a method of procedure for the better enforcement of the game laws of this state," approved March ninth, one thousand eight hundred and seventy-seven, and all other acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed in so far as the same are inconsistent herewith.

11. *And be it enacted*, That this act shall take effect immediately.

Passed March 16, 1885.

CHAPTER LXXXV.

A Supplement to "An act to establish a system of public instruction," (Revision) approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the nineteenth section of the act to which this is a supplement shall be and the same is hereby amended to read as follows: Section amended.

[19. That the state board of education shall appoint for each county, subject to the approval of the board of chosen freeholders of the county, a person of suitable attainments to be county superintendent of the public schools of that county, who shall hold office for the term of three years and until his successor shall have been appointed and approved as aforesaid, unless sooner removed for cause by the state board.] Appointment of county superintendent. Term of

2. *And be it enacted*, That where any vacancy now exists in the office of county school superintendent, or where any such vacancy shall hereafter exist. for the space of six months, from any cause, it shall be lawful for the board of chosen freeholders of the county wherein any such vacancy does or shall exist to appoint some person of suitable attainments to be county superintendent of the public schools of Where vacancy exists for six months board of freeholders may appoint.

that county, who shall hold his office for the term of three years and thereafter until his successor shall have been appointed and approved, unless sooner removed for cause by the state board of education.

3. *And be it enacted*, That this act shall take effect immediately.

Passed March 17, 1885.

CHAPTER LXXXVI.

An Act concerning cities in this state and regulating the manner of the appointment and removal of certain officers therein.

Manner of appointment and removal of members of police force.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in the cities of this state where the control and regulation of the police force is in the common council, or mayor and common council, or other governing body, the appointment and dismissal of the members of the police force therein shall be made by motion and not by ordinance or resolution; *provided*, that this act shall not apply to cities wherein the police force is under the control of a board or of commissioners, until such board or commission shall be therein abolished.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Passed March 17, 1885.

CHAPTER LXXXVII.

An Act amending "An act to provide for the purchase, construction and maintenance of public parks by the cities and other municipalities in this state," approved March fourteenth, one thousand eight hundred and eighty-three.

I. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of the act to which this is amendatory, be and the same is hereby amended to read as follows :

[I. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any city or other municipality in this state wherein there are now no grounds owned by such city or other municipality and used as a public park, the common council, board of aldermen, board of trustees or other governing body may, by ordinance passed by a two-thirds vote of all the members of such body, purchase one or more tracts of land lying wholly or partly within or without the limits of such city or other municipality, for the use of the inhabitants of such corporation as a public park or parks ; and may dedicate the same to such use, and may lay out, embellish and maintain the same, and may pass ordinances regulating and controlling the same, and providing for the proper and convenient use thereof by the inhabitants aforesaid.]

2. *And be it enacted*, That such lands may be paid for as provided in the second section of said act.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 18, 1885.

CHAPTER LXXXVIII.

An Act respecting the cutting and sale of ice in cities of this state, and giving to boards of health in such cities power to regulate and control the same.

No ice to be cut within limits of city without permit from board of health.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no ice shall be cut for the purpose of being sold or used in any city of this state from any pond, creek or river within the limits of any such city, unless a permit therefor shall be first obtained from the board of health of such city, and no person or persons shall sell or deliver any ice in any city in this state without first obtaining a permit therefor from the board of health of such city, and it shall be lawful for any such board of health to refuse a permit and to revoke any granted by them as aforesaid when in their judgment the use of any ice cut or sold, or to be cut or sold, under the same is or would be detrimental to the public health.

Board may prohibit sale and use of ice in certain cases.

2. *And be it enacted*, That the board of health of any city may prohibit the sale and use of any ice within the limits of such city when in their judgment the same is unfit for use, and the use of the same would be detrimental to the public health, and the said board may prohibit and through its officers stop, detain and prevent the bringing of any such ice for the purpose of sale or use into the limits of any such city, and also in the same manner stop, detain and prevent the sale or use of any such ice found within the limits of such city.

Penalty for violating provisions of act.

3. *And be it enacted*, That any person or persons who shall violate any of the provisions of this act or who shall attempt to cut, sell, or bring into any city any such ice after being notified by said board of health or its officers not to do so shall be guilty of a misdemeanor, and on conviction shall be sentenced to imprisonment in the county penitentiary for a term not to exceed six months or to pay a fine of five hundred dollars, or both, in the discretion of the

court; and it shall be lawful for the officers of said board of health or the police officers of any such city to arrest on sight any person or persons who shall be found violating any of the provisions of this act.

4. *And be it enacted*, That this act be deemed a public act, and shall take effect immediately.

Approved March 18, 1885.

CHAPTER LXXXIX.

An act to incorporate societies for the promotion of veterinary science and art in this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any society in this state composed of not less than ten members not all residents of any one county, who are regular practitioners of veterinary surgery and which society has for its object the advancement of the science and art of veterinary surgery may at any regular, or special meeting called for that purpose, elect by ballot to become incorporated under this act; and they shall thereupon cause a certificate to be made setting forth their intentions and the proceedings of such meeting therefor, the officers of the society, its name and object, which certificate shall be signed by such members who shall be present and by said officers, and shall be acknowledged by them all as deeds for the conveyance of real estate are acknowledged, which certificate shall be filed with the secretary of state and upon the filing of the same said society and such other persons as may be associated with them shall be constituted a body politic and corporate in law by whatever name they shall have assumed and by such name shall have succession and continuance and be capable in law of suing and being sued, defending and being defended, in all courts and places whatever, and may have and use a common seal and alter and renew the same at pleasure, and by their name and under their common seal may make and enter into, execute and

Society may be incorporated.

Certificate of incorporation.

Where filed, &c.

enforce any contracts or agreements relating to, touching or concerning the objects of such incorporation; a certified copy of said certificate of incorporation shall be presumptive evidence of the incorporation of such society and the facts therein stated.

Estate and property vested in society as a corporation.

2. *And be it enacted*, That the estate and property of whatever kind of such society so incorporating shall vest in them as a corporation, and by their corporate name such society shall be able to acquire, purchase, receive, take, have and hold for the use and benefit of such corporation and for the purpose of effecting and carrying out the objects of its incorporation, any lands, tenements and hereditaments and any sum or sums of money, rights, securities, goods and chattels by gift, grant, alienation, devise, bequest or otherwise, of any person or persons, bodies politic or corporate, and the same or any part thereof to sell, grant, assign, mortgage, devise, alien and dispose of.

May adopt constitution and by-laws.

3. *And be it enacted*, That each incorporate society shall have power to make, adopt and use and from time to time alter and amend such constitution and by-laws for their government, the election and appointment of officers, the admission and dismissal of its members as to them shall seem right and proper; *provided*, that nothing in such constitution or by-laws shall be repugnant to the constitution and laws of the United States or of this state.

Proviso.

Approved March 18, 1885.

CHAPTER XCI.

An Act to provide for the surrender to the state by railroad and canal companies of special immunities with respect to taxation claimed by virtue of contracts with the state.

Company authorized to execute and file statement waiving benefit of contract.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That any railroad or canal company having the right, by contract, to any different imposition of tax, either state or municipal, than that provided for

the act entitled "An act for the taxation of railroad and canal property," approved April tenth, one thousand eight hundred and eighty-four, is hereby authorized to execute and file in the office of the secretary of state an instrument, to be first approved by the attorney-general, waiving the benefit of any such contract and accepting and submitting to the provisions of the aforesaid act and the supplements hereto; whereupon they shall be bound by the terms of said act or any supplement or amendment thereto, or any further act of the legislature, and upon filing any such instrument the state agrees to surrender its right to take the property of any such company under any statute now existing; *provided*, that any such company shall execute and file such instrument on or before the first day of July, one thousand eight hundred and eighty-five; *provided, further*, that the lessee or grantee of the railroad or canal of any such company shall join in such instrument.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 18, 1885.

CHAPTER XCII.

A Supplement to an act entitled "An act relative to oaths and affidavits," (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all oaths, affirmations and affidavits to any application, petition, inventory, account or other proceeding in any orphans' court or before any surrogate required to be made or taken by any applicant, petitioner assignee, executor, administrator, guardian, appraiser or any other person may hereafter be made and taken before any master in chancery of this state, and any application, petition, inventory, account or other proceedings, so proved or

Oaths taken before orphans' court or surrogate may be taken before a master in chancery.

verified, shall be deemed and taken to have been sufficiently proved or verified.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 18, 1885.

CHAPTER XCIII.

An Act to amend an act entitled "An act to prohibit the manufacture and sale of impure and imitation dairy products," approved May fifth, one thousand eight hundred and eighty-four.

Section
amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the second section of the said act be and the same is hereby amended so as to read as follows :

Penalty for
violating provisions of act.

[2. *And be it enacted*, That any person violating any of the provisions of this act shall, for each offence, forfeit and pay the sum of two hundred dollars, to be recovered, with costs, by any person who may sue for the same in any court of competent jurisdiction, one-half to be paid to the prosecutor and the other half to the county collector for the use of the poor of the county where the recovery is had.]

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 18, 1885.

CHAPTER XCV.

An Act to further amend section thirty-six of the act entitled "An act to authorize the formation of railroad corporations and regulate the same," approved April second, A. D., eighteen hundred and seventy-three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section thirty-six of the act entitled "An act to authorize the formation of railroad corporations and regulate the same," approved April second, A. D., eighteen hundred and seventy-three, which section was amended by an act entitled "A further supplement to an act entitled 'An act to authorize the formation of railroad corporations and regulate the same,' approved April second, A. D., eighteen hundred and seventy-three," which act was approved March eighth, A. D., eighteen hundred and seventy-seven, be and the same is hereby further amended so as to read as follows:

Section
amended.

Company may
build viaducts
over rivers and
streams.

[36. *And be it enacted*, That it shall be lawful for any company incorporated under this act, in addition to the power hereinbefore given to build viaducts over any navigable or other rivers, streams or bay of water, which said railroad may cross, putting in such viaduct, a pivot draw, with two openings, each of no less width than the widest opening in any viaduct or bridge now built over any such river, stream or bay of water at right angles to the main channel, located at a point convenient for navigation; and such company shall at all times when such river, stream or bay is navigable for the safety of persons navigating the same, cause to be kept a red light at each outer side of said draws, and a white light on each inner side of said draws, which shall be lighted every evening at or before sunset, and be kept lighted till daylight; and shall also keep or cause to be kept, a suitable person or suitable persons at each of said bridges, to open the draws for the free passage of all vessels, with standing masts or pipes; and for each

and every neglect to keep such light and to open the draw when necessary, the said company shall forfeit and pay a sum of one hundred dollars to be recovered with costs, any court having jurisdiction thereof by any persons who shall sue for the same, within six months after the time

Proviso.

such neglect; *provided*, that corporations formed under this act shall not take any land under water belonging to the state, until the consent of the riparian commissioners shall first be had and obtained, who are hereby authorized to convey the same on receiving such compensation as they

Proviso.

may fix; *provided further*, that no corporation organized under this act, shall be authorized to take, use or occupy by condemnation, any lands belonging to the state of New Jersey, or any franchises, lands, or located route, of a bridge, railroad, canal, turnpike, or other corporation chartered for the purpose of facilitating transportation, except for the purpose of crossing said lands or route of said corporation, and except the lands of such other corporation not necessary for the purposes of their franchises; *and provided, further*, that a railroad may be located or constructed under this act, on the surveyed routes or location of any other railroad, with the consent of such corporation, and not otherwise; *and provided, further*, that no railroad under this act shall cross another railroad at a less angle than

Proviso.

forty-five degrees, be and the same is hereby amended, so that the last proviso herein shall read as follows, to wit:

Proviso.

and provided, further, that no railroad under this act shall cross another railroad at a less angle than twenty degrees

Proviso.

and provided, further, that no railroad under this act shall cross another railroad at a less angle than twenty degrees

2. *And be it enacted*, That this act shall take effect immediately.

Passed March 19, 1885.

CHAPTER XCVI.

An Act to amend an act entitled "A supplement to 'An act respecting railroads and canals,' approved March twenty-seventh, one thousand eight hundred and seventy-four," approved March twenty-third, one thousand eight hundred and eighty-three.

I. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of the act entitled "A supplement to 'An act respecting railroads and canals,' approved March twenty-seventh, one thousand eight hundred and seventy-four," approved March twenty-third, one thousand eight hundred and eighty-three, be and the same is hereby amended to read as follows : Section amended.

[I. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful hereafter for any corporation operating a railroad in this state, whether as lessee or otherwise, to run any passenger train over any railroad so operated by them without having a rope or strong cord attached at one end to a bell, gong or whistle on the locomotive, and the said rope or strong cord leading from thence through or over every car and through every baggage, express and passenger car in the train and within easy and convenient reach of the employes and passengers on said train, and the other end attached to the rear end of the rear car of said train, and any corporation violating these provisions shall be subject to a fine of five hundred dollars for each offence, to be recovered by any inhabitant of this state, who may sue for the same in any court having cognizance of the same, one-fifth of the said fine to go to the person suing for the same, and four-fifths thereof to the state ; *provided, nevertheless*, that the provisions of this section shall not in any wise apply to mixed passenger and freight trains, or to freight trains, or to any passenger train whereon any apparatus, device or machine using air, electricity, or both to convey signals from the Unlawful to run passenger train without rope or bell cord.
Penalty.
Proviso.

train to the engine is used in accordance with the provisions of "An act concerning railroads," approved April second, one thousand eight hundred and eighty-four.]

Repealer.

2. *And be it enacted*, That all acts and parts of acts inconsistent with this act be and the same are hereby repealed.

3. *And be it enacted*, That this act shall take effect immediately.

Passed March 19, 1885.

CHAPTER XCVII.

A Supplement to "An act concerning roads," approved April sixteenth, one thousand eight hundred and forty-six.

What materials
may be used in
making road.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the overseers of the highways of the various districts to use broken stone as well as gravel and other material heretofore provided for by law in forming or repairing the roads in their several districts, in order that the roads may be permanently repaired or improved; and if any overseer shall be unable to procure gravel or broken stone for the purpose aforesaid, it shall be lawful for the township committee to procure the same, at the expense of the township; *provided*, that the expense thereof shall not exceed ten per cent. of the whole amount of road tax assessed in the township that year.

Proviso.

Approved March 19, 1885.

CHAPTER XCVIII.

A Supplement to the act entitled "An act constituting district courts in certain cities in this state."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the defendant in any attachment issued out of a district court instead of entering his appearance by filing with the clerk a bond, may if he so elect, enter his appearance at any time after the executing of the writ of attachment and before the hearing of the cause by filing with the clerk a statement signed by the defendant or his attorney or agent that the defendant enters his appearance to the action and intends to defend the same, whereupon the judge, or in his absence the clerk, shall forthwith fix a day for the trial not less than three nor more than ten days from the filing of such statement, and the clerk shall cause the plaintiff to be notified either personally or by mail of the day so fixed; the plaintiff shall file a copy of his account or state of demand on or before the day so fixed, and thereafter the cause may be adjourned and shall be conducted in all things in like manner, and the court shall have like jurisdiction of the parties as if the action had been commenced by summons; the effects, rights and credits of the defendant shall remain in the custody of the officer who executed the writ subject to the lien of the attachment during the pendency of the action, but if judgment be given for the defendant the same shall thereby be released from such lien and restored to the defendant and the defendant shall have execution for his costs; if judgment be given for the plaintiff the court shall award execution thereof against the effects of the defendant, which execution may be satisfied by sale of the effects taken in attachment or of any other effects of the defendant and shall be returned in the same time and manner as other executions are returned; and the provision in the one hundred and fifty-ninth section of

the act to which this is a supplement that the effects shall not be sold in less than three months, shall not apply to cases where the defendant's appearance is entered under this act.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 23, 1885.

CHAPTER XCIX.

An Act to amend an act entitled "An act concerning roads," (Revision) approved March twenty-seventh, one thousand eight hundred and seventy-four.

Section
amended.

I. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the act entitled "An act concerning roads," (Revision) approved March twenty-seventh, one thousand eight hundred and seventy-four, be and the same is hereby amended so as to read as follows:

Proceedings to
lay out, vacate
or alter public
roads.

[I. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when ten or more persons, being freeholders, shall think a public road necessary, or any public road which hath been or shall be laid out unnecessary, or any alteration in such road necessary in any part of the county in which they reside, it shall be lawful for the said persons to make application in writing to the inferior court of common pleas of the said county in open court, having given previous notice for at least ten days of such intended application and also of the day on which such application is intended to be made by advertisements under their hands, and set up at three of the most public places in the township in which the said road is proposed to be laid out, vacated or altered and if there be more townships than one through which the said road may run, by advertisements, to be set up at three of the most public places in each township; and the said court when applied to as afore-

said on due proof being made that the advertisements have been set up according to law, on which the judgment of the court shall be final and conclusive, are hereby authorized and required to appoint six of the surveyors of the highways of the said county, ever having regard to the appointment of the surveyors of the highways of the township or townships where the said road shall be so applied for to be laid out, vacated or altered; *provided*, that no surveyor shall ^{Proviso.} be appointed through whose land the road may run, or who for any other reason which the court in their discretion shall deem sufficient, think ought not to be appointed; and the said surveyors shall meet at such time and place as the said court shall direct, a copy of which appointment shall be served on each of the said surveyors at least six days prior to the time of their meeting; and two of the said applicants shall at least twelve days prior to the said time sign and set up advertisements at three of the most public places in the said township or townships, setting forth the time and place of the meeting of the surveyors agreeably to the directions of the court, and designating the points or places from and to which the said road is proposed to be laid out, vacated or altered.]

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 23, 1885.

CHAPTER C.

A Supplement to an act entitled "An act respecting the orphans' court and relating to the powers and duties of the ordinary, and the orphans' courts and surrogates," (Revision) approved March twenty-seventh, one thousand eight hundred and seventy-four.

Proceedings for
administration
of estate of resi-
dent persons
presumed to be
dead.

I. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any person, being a resident of this state, shall remain beyond the sea, or absent himself or herself from this state, or conceal himself or herself in this state for seven years successively, the ordinary, or the orphans' court or surrogate of the county in which said person resided at the time when he or she went beyond the sea, or absented or concealed himself or herself as aforesaid, shall, upon application in writing, made to either for the purpose, by any of the next kin of such person, make an order that cause be shown, before the ordinary or the orphans' court of said county at a certain time and place therein to be expressed, not less than thirty days nor more than three months from the time of making such order, why letters of administration should not be granted to the next of kin making such application, which order shall be published in such manner as the ordinary, orphans' court or surrogate making the same shall direct; and if the next of kin making such application shall, at the time and place designated as aforesaid, prove to the satisfaction of the ordinary or the said orphans' court that such person has remained beyond the sea, or has absented himself or herself from this state, or has concealed himself or herself in this state for seven years then last past successively, and has not been heard of or from during said period, and no sufficient cause shall be shown to the contrary, then the said ordinary, or the said orphans' court, may grant letters of administration of the goods, chattels and credits of said person to the next of kin making such application, or to such fit and

proper person as the said ordinary or orphans' court may deem advisable; upon his or her giving bond to the ordinary, in the same manner as is required in granting letters of administration in other cases.

2. *And be it further enacted*, That whenever a person, not a resident of this state, but having goods, chattels, moneys or effects in this state, shall absent himself or herself from the place of his or her domicile for seven years successively, the ordinary or the orphans' court or surrogate of any county in which any of such effects may be, shall, upon application in writing, made to either for the purpose by any of the next of kin of such non-resident absentee, make an order that cause be shown, before the ordinary or the orphans' court of said county, at a certain time and place therein to be expressed, not less than thirty days nor more than three months from the time of making such order, why letters of administration should not be granted to the next of kin making such application, which order shall be published in such manner as the ordinary, orphans' court or surrogate making the same shall direct; and, if the next of kin making such application shall, at the time and place designated as aforesaid, prove to the satisfaction of the ordinary or the said orphans' court that such non-resident has absented himself or herself from the place of his or her domicile for seven years then last past, successively, and has not been heard of or from during said period, then the said non-resident shall be presumed to be dead, and if no sufficient cause shall appear to the contrary, the said ordinary or orphans' court may thereupon grant letters of administration, of the goods, chattels and credits of said non-resident absentee, to the next of kin making such application, or to such fit and proper person as the said ordinary or orphans' court may deem advisable, upon his or her giving bond to the ordinary in the same manner as is required in granting letters of administration in other cases.

Proceedings for administration of estate of non-resident persons presumed to be dead.

3. *And be it further enacted*, That any administrator, hereafter to be appointed, under this act, shall proceed with the administration and settlement of the estate of such person in the same manner as if such person had died in this state intestate; and shall make a just and equal distribution thereof, after the payment of debts and just expenses, among those who would be entitled by law to receive the same if

Administration to proceed as if person had died in this state intestate.

enforce any contracts or agreements relating to, touching or concerning the objects of such incorporation; a certified copy of said certificate of incorporation shall be presumptive evidence of the incorporation of such society and the facts therein stated.

Estate and property vested in society as a corporation.

2. *And be it enacted*, That the estate and property of whatever kind of such society so incorporating shall vest in them as a corporation, and by their corporate name such society shall be able to acquire, purchase, receive, take, have and hold for the use and benefit of such corporation and for the purpose of effecting and carrying out the objects of its incorporation, any lands, tenements and hereditaments and any sum or sums of money, rights, securities, goods and chattels by gift, grant, alienation, devise, bequest or otherwise, of any person or persons, bodies politic or corporate, and the same or any part thereof to sell, grant, assign, mortgage, devise, alien and dispose of.

May adopt constitution and by-laws.

3. *And be it enacted*, That each incorporate society shall have power to make, adopt and use and from time to time alter and amend such constitution and by-laws for their government, the election and appointment of officers, the admission and dismissal of its members as to them shall seem right and proper; *provided*, that nothing in such constitution or by-laws shall be repugnant to the constitution and laws of the United States or of this state.

Proviso.

Approved March 18, 1885.

CHAPTER XCI.

An Act to provide for the surrender to the state by railroad and canal companies of special immunities with respect to taxation claimed by virtue of contracts with the state.

Company authorized to execute and file statement waiving benefit of contract.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That any railroad or canal company having the right, by contract, to any different imposition of tax, either state or municipal, than that provided for

nor of this state, to employ such assistants as may be necessary in his department; *provided*, that the annual cost thereof shall not exceed the sum of one thousand dollars.] *Provide.*

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 23, 1885.

CHAPTER CII.

An act to authorize the purchase of additional real estate by the trustees of reformatory institutions in this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of trustees of any reformatory institution heretofore established or hereafter to be established in this state not owned by the state for the reformation of juvenile offenders is hereby authorized and empowered to purchase and acquire such lands and real estate, in addition to the lands and real estate originally purchased and acquired for the establishment of such institution, as may be necessary for the proper accommodation, employment or welfare of the inmates of such institution; *provided*, that where any such institution is or shall be supported and maintained by any city of this state, the consent of the mayor and common council, or other legislative body, of such city shall be first obtained before such purchase or acquirements of such additional lands and real estate shall be made; *and provided further*, that no such additional lands or real estate shall be so purchased as aforesaid, unless full provision shall have been first made for the payment of the cost thereof, either from the current annual appropriation for the support of such institution, or from the earnings of the inmates of such institution, or both. *Trustees authorized to purchase additional real estate.*

2. *And be it enacted*, That such purchase shall be made and such additional lands and real estate held in the same manner as the lands and real estate originally purchased or acquired for the establishment of such institution were pur- *Provide.*
How purchase made and real estate held.

chased or acquired, and shall be held at the time such additional purchase shall be made.

3. *And be it enacted*, That this act shall take effect immediately.

Passed March 24, 1885.

CHAPTER CIII.

A Supplement to an act entitled "An act to enable the owners of the tide swamps and marshes to improve the same and the owners of meadows already banked in and held by different persons to keep the same in good repair," passed November twenty-ninth, one thousand seven hundred and eighty-eight.

Section
amended.

I. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the ninth section of the above recited act on page 643 of the revision of the laws of New Jersey published in one thousand eight hundred and seventy-seven, be and the same is hereby amended so that the same shall read as follows:

Officers annu-
ally elected.

[9. *And be it enacted*, That after the meeting of said owners and possessors at the time and place appointed as aforesaid it shall and may be lawful for said owners and possessors to meet and assemble statedly on the first Monday in April, yearly and every year, at one o'clock in the afternoon of that day at such places as a majority of those met at the first meeting or at the last preceding annual meeting may have from time to time appointed, and there between the hours of one and five in the afternoon, by ballot or otherwise, and plurality of votes of those met, appoint managers, a treasurer and clerk as aforesaid, to continue for one year and from thence until others are appointed to supply their places, and the manager or managers, treasurer and clerk shall have the like powers as those hereinbefore mentioned; *provided, always*, that nothing in this last act contained shall be construed to prevent a manager from being treasurer, clerk or both; *and provided, further*, that

Proviso.

Proviso.

the owner or owners, possessor or possessors, lessee or lessees of two-thirds or more of the valued acres of meadow lands lying within the bounds of any meadow company organized under this act or any supplement thereto may at any time by notice in writing signed by him, her or them, and put up at three or more public places in the township in which the said lands or the greater part thereof may lie, and published for one week in a newspaper printed and published in the county where said lands are located, call a special meeting of the owners, possessors and lessees of said meadow lands for the election of officers of such company at a time and place to be specified in said notice, and at such time and place such owner or owners, possessor or possessors, lessee or lessees may by a vote of two-thirds or more of the owner or owners, possessor or possessors, lessee or lessees of two-thirds or more of said valued acres, elect a manager or managers, treasurer and clerk in the stead and place of those who before said meeting may have held those offices; and the said manager or managers, treasurer and clerk so elected shall from the time of their said election have and exercise all the powers conferred by this act or by any supplement thereto until the time of the next annual meeting of such company, and from thence until others are appointed to supply their places; and such newly elected officers shall be from the time of their election entitled to all the minutes, books, maps and papers of such company.

2. *And be it enacted*, That this act shall take effect immediately.

Passed March 24, 1885.

CHAPTER CV.

An Act to repeal an act entitled "An act regulating the number of school trustees to be elected in the respective school districts of this state, being a supplement to an act entitled 'An act to establish a system of public instruction,' " approved March seventeenth, one thousand eight hundred and seventy-four.

Act repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An act regulating the number of school trustees to be elected in the respective school districts of this state, being a supplement to an act entitled 'An act to establish a system of public instruction,' " approved March seventeenth, one thousand eight hundred and seventy-four, which supplementary act was approved March tenth, eighteen hundred and eighty-three, be and the same is hereby repealed.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately; *provided*, that the present incumbents shall continue in office until the expiration of the terms for which they were elected, when one instead of two trustees shall be elected annually until the whole number has been reduced to three.

Passed March 24, 1885.

CHAPTER CVI.

An Act to provide means to increase the fish production of the waters of this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the purpose of continuing the work of stocking the waters of this state with food fishes there is hereby appropriated the sum of two thousand dollars, which shall be paid by the state treasurer on the warrant of the comptroller to the commissioners of fisheries of this state upon their requisition, to be by them expended in defraying the cost of procuring, hatching and distributing valuable food fishes to stock the rivers, streams, lakes and ponds of this state, and for such other purposes as they may deem advisable to restore and increase the fish production of the waters of the state.

Appropriation
for stocking
waters of state
with food fishes.

2. *And be it enacted*, That this act shall take effect immediately.

Passed March 24, 1885.

CHAPTER CVII.

An act to enable cities to build main sewers in certain districts, and to acquire private lands for that purpose.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when in a city any neighborhood of said city lacks sewers for the proper drainage thereof, and the protection of the health of the inhabitants thereof, and there are no public streets through which it is feasible and advantageous to the city to build a main sewer from such neighborhood to tide water or other waters into

Authorities of
city may con-
struct main
sewers in cer-
tain districts.

which the sewerage of such city is emptied, then it shall be lawful for the board or other authority of such city having charge of the construction of sewers to lay out and construct a main sewer or sewers, sufficient for the proper drainage of such neighborhood, through and upon any lands in such city that may be in the line of such sewer or sewers located as hereinafter provided ; the proceedings for the construction of such sewer or sewers, and for the assessment for the expense thereof, shall correspond in all respects with the proceedings now prescribed by law in such city for the construction of main sewers and the assessments for the expense thereof, except so far as modified by this act.

Application of
owners for con-
struction of
sewers.

2. *And be it enacted*, That any fifty (50) owners of land lying within such neighborhood may present to the said board an application in writing, designating the neighborhood lacking proper drainage, and setting forth the particulars bringing such neighborhood within the meaning of the first section of this act, and praying that a main sewer or sewers be constructed for the use of said neighborhood ; the said board shall thereupon proceed to act upon said application in the same manner as is now provided by law for proceedings to construct sewers in such city ; and if such board determine to construct the sewer or sewers applied for, they may locate the same either wholly upon private lands, or partly in streets and partly upon private lands, as the nature of the case may require.

Costs of con-
struction as-
sessed on lands
benefited.

3. *And be it enacted*, That of the costs and expenses of the construction of such sewers, including the cost of real estate acquired therefor as hereinafter provided, there shall be assessed by the officers charged with the duty of making assessments in such city upon the property benefited thereby, such portion as will be equal to the amount of the benefits actually acquired by said property, proportioned equitably to the benefit each piece of property shall be deemed to acquire ; *provided*, that whenever the benefits of such main sewer or sewers are extended to other property by the building of lateral sewers or connections, there shall in like manner be assessed upon such property a just portion of the costs and expenses of such main sewer or sewers, which assessment may be made in connection with an assessment for such lateral sewers, or as an independent assessment.

Proviso.

4. *And be it enacted*, That the remainder of the costs and expenses of constructing such main sewer or sewers, including the cost of real estate acquired therefor, if any, remaining unassessed, shall be paid by the city, and such city may issue its bonds to the amount necessary to pay the same, which bonds shall be of such denomination, form, terms and conditions, and bear such rate of interest, not exceeding six per centum per annum, as shall be determined by the legislative body of such city having charge of the finances thereof, and shall be executed under the common seal of the city and the signature of the mayor or other officers thereof.

Costs remaining unassessed to be paid by city.

May issue bonds

5. *And be it enacted*, That when any such sewer or sewers shall be located upon any land other than public highways or streets, and such land or any easement, right or estate therein, shall be necessary for the construction of said sewer or sewers, then it shall be lawful for said city to acquire the said land in fee simple, or any lesser estate or right therein; the proceedings for acquiring such property shall conform to the proceedings now provided by law for the acquiring of land for the opening of streets in such cities; in case it shall be necessary to cross any lands of the state under water, in the construction of such sewer, for the purpose of obtaining an outlet, it shall be lawful to take and use such lands for that purpose; the money for such improvement may be raised by the sale of improvement certificates, or temporary loans issued according to the provisions of law governing such city; the issue and sale whereof for the purposes of this act are hereby authorized.

Acquisition of lands necessary for construction of sewer.

6. *And be it enacted*, That in case any such sewer or sewers are now being constructed in any city of this state, the provisions of this act shall apply thereto in the same manner and to the same extent as if this act had been passed and become a law before the construction thereof had been commenced, and that the proceedings had and taken therein shall not be invalidated or set aside by reason of any informality or any failure to comply with the requirements of sections one and two hereof, but shall be deemed and taken to be in all respects lawful.

Act to apply to sewers in course of construction.

7. *And be it enacted*, That all benefit which may be received from assessments made for connections with lateral sewers shall be paid when received to the commissioners of the sinking fund of such city for the redemption and pay-

Benefits received from assessments for connection with lateral sewers, to whom paid, &c.

Proviso.

ment of the bonds issued under the authority of this act, and in addition thereto there shall be placed in the tax levy of such city annually a sum not less than two per centum and not more than three per centum of the principal of such bonds, and the same when collected shall be paid into the same fund for the same purpose; *provided*, that this act shall not affect any existing suit.

8. *And be it enacted*, That this act shall take effect immediately.

Passed March 24, 1885.

CHAPTER CVIII.

An Act to amend section seven of the act entitled "An act to provide for the organization of the New Jersey home for disabled soldiers," approved April fourth, eighteen hundred and sixty-six, also providing an additional appropriation for the support of the home provided for by the said act.

Section amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section seven of the act entitled "An act to provide for the organization of the New Jersey home for disabled soldiers," approved April fourth, eighteen hundred and sixty-six, be and the same is hereby amended so as to read as follows :

What necessary to obtain admission to Home.

[7. *And be it enacted*, That no person shall be admitted into the said home as a patient except upon the certificate of a judge of the court of common pleas, upon proof made to his satisfaction by the testimony in writing of a respectable physician and other evidence that the applicant has been a soldier in the army of the United States, and been honorably discharged from such service ; that he is necessitous and has not the ability to procure the means sufficient for his comfortable support, and necessary care and attendance, that he is a resident of this state, which proof shall accompany said certificate ; and the said applicant for admis-

sion shall, with the certificate of the judge, present to the commandant, a statement in writing, signed by himself, setting forth his name in full, place of his nativity, and of his residence at the time of making such application, and at the time of his entering the service, his age and occupation, the company and regiment in which, and captain and colonel under whom he served, time of his service and of his discharge, and also his consent and agreement to transfer to the state, for the use of the home, any pension to which he may be entitled from any state or from the United States, during the time he shall be a patient at the said home, and that he will execute any necessary power and voucher for recovering the same, and further that he will conduct himself properly and submit to the rules, regulations and discipline of the said home.]

2. *And be it enacted*, That in addition to the appropriation now authorized by law, the further sum of five thousand dollars is hereby appropriated for the support of the New Jersey home for disabled soldiers for the current year; which said sum shall be expended under the direction of the board of managers of said home; and said board of managers are hereby authorized and empowered to expend not more than twenty-five hundred dollars of said sum so appropriated for the erection of any new buildings which may be needed for the conduct of said home; and the state treasurer is hereby directed and authorized to pay said five thousand dollars to the treasurer of the said home on the warrant of the comptroller of the treasury, out of any moneys in the treasury of the state, not otherwise appropriated.

Additional appropriation to Home.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 24, 1885.

CHAPTER CIX.

A Further Supplement to an act entitled "An act for the formation of borough governments," approved April fifth, one thousand eight hundred and seventy-eight.

Petition for the
constitution of
borough, to
whom presented

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the petition for the constitution of a borough set forth in the second section of the act entitled "An act for the formation of borough governments," approved April fifth, one thousand eight hundred and seventy-eight, shall be presented to the judge of the court of common pleas in and for the county in which said proposed borough is situated; instead of to a chosen freeholder of the said township as therein provided, and said judge shall thereupon issue an order for such election, in lieu of, but in all respects substantially conforming to the notice required thereby to be issued by said chosen freeholder; and he shall in and by said order appoint the clerk and two inspectors of election, mentioned in the third section of said act; and such original order shall be filed in the office of the clerk of said county and copies thereof shall be set up and published as required by said act, to which shall be annexed a statement of the day and place when and where said original order was filed; and within thirty days after the election held pursuant to said order and before any further proceedings are taken under said acts proofs of the setting up and publication thereof as required by law shall be filed in said clerk's office where said original order was filed.

Order for
election.

Petition to be
disposed of be-
fore another
entertained.

2. *And be it further enacted*, That when a petition for the constitution of a borough shall have been duly presented to said judge as aforesaid, no other petition for the constitution of a borough which embraces or proposes to embrace, the same or any portion of the territory included in the borough proposed in said first mentioned petition, shall be presented to or entertained by said judge, until the proceedings under

said first mentioned petition are finally disposed of by an adverse vote or otherwise abandoned.

3. *And be it enacted*, That the persons entitled to vote at any election provided for in said act, must, in addition to the qualifications therein required, have resided within the limits of said borough or said proposed borough, at least sixty days prior to said election. Qualifications of voters.

4. *And be it enacted*, That all acts and parts of acts, inconsistent herewith, be and the same are hereby repealed, and that this act shall take effect immediately. Repealer.

Approved March 24, 1885.

CHAPTER CX.

A Supplement to an act entitled "An act concerning roads," (Revision) approved March twenty-seventh, eighteen hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in every case where the surveyors of the highways have been or shall hereafter be appointed under the provisions of the act to which this is a supplement for the purpose of laying out, altering or vacating any public or private road, and have heretofore or shall have hereafter neglected for an unreasonable length of time or refused to perform or complete their duties under such appointment, or shall refuse to lay out, alter or vacate any such public or private road, the applicant or applicants may, upon giving five days' notice in writing to said surveyors or to the major part of them, apply to the court which made the appointment, whereupon the court may, in a summary manner, investigate the matter, and if such neglect or refusal shall be made to appear, the court may revoke the appointment of said surveyors and appoint other surveyors in their place and stead; and such last mentioned surveyors shall thereupon proceed in all things in like manner as if

Proceedings for laying out road in case of neglect of surveyor of the highways.

appointed in the first instance; and any such surveyors whose appointment shall be so revoked shall receive no compensation for the services by them rendered, unless allowed in the order of the court revoking their appointment.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 24, 1885.

CHAPTER CXI.

An Act respecting the fire department of cities and regulating the tenure and terms of office of officers and men employed in said fire departments.

How members
of fire depart-
ment to hold
office.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in the several cities of the state the officers and men employed by municipal authority in the fire department of any city shall severally hold their respective offices and continue in their respective employment as such municipal officers and employes during good behavior, efficiency and residence in such city, except where, by statute, the term of any such officer and employe is determined and fixed and does not depend upon the pleasure or caprice of any municipal officer, officers or board authorized to make appointment or employment in said department; and no person shall be removed from office or employment in the fire department of any such city, or from the fire department force of any such city, for political reasons or for any other cause than incapacity, misconduct, non-residence or disobedience of just rules and regulations established or which may be established for the fire department or force of such city; *provided*, that any member of the fire force of any such city who shall be absent from duty, without leave, for the term of five days, shall be deemed deserving of expulsion from such fire force.

Not to removed
for political
reason, &c.

proviso.

Authorities to
prescribe rules
for department.

2. *And be it enacted*, That it shall be lawful, for the better government of and discipline of the fire department in the cities of the state, for the municipal authority or authorities

in any city whose duty it is or may become to provide for, regulate or manage a fire department in such city, from time to time to prescribe and establish just rules and regulations respecting said department.

3. *And be it enacted*, That no person, whether officer or employe, in the fire department of any such city, shall be removed from office or employment therein, except for just cause, as provided in the first section of this act, and then only after written charge or charges of the cause or causes of complaint shall have been preferred against any such officer or employe, signed by the person or persons making such charge or charges and filed in the office of the municipal officer, officers or board having charge of the said fire department, and after the said charge or charges have been publicly examined into by the appropriate municipal board, officer or authority, upon such reasonable notice to the person charged, and in such manner of examination as the rules and regulations governing the same may prescribe, it being the intent of this act to give every person, against whom charges for any cause may be preferred under this act, a fair trial upon said charges and every reasonable opportunity to make his defence, if any he has, or chooses to make.

4. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed, and that this act shall take effect immediately. Repealer.

Approved March 24, 1885.

CHAPTER CXII.

An Act to provide means and moneys to guard against the spread of contagious or infectious diseases when epidemic, or likely to become epidemic, and to regulate the disposition of said moneys.

When board of freeholders may authorize expenditure of moneys to prevent contagious disease.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever there shall be presented to the board of chosen freeholders of any county of this state, which has a county board of health, a certificate signed by the surgeon-general of the state, the president or secretary of the state board of health, the president of the board of health of said county, the county physician (where there is such an officer) and the director of such board of freeholders, certifying that any contagious or infectious disease is prevailing or epidemic, or likely to become so in said county, it shall thereupon be lawful for such board to authorize by resolution the expenditure of such sum of money as to said board shall seem necessary for the purpose of guarding against and preventing the spread of such disease; and that notwithstanding there may be no appropriation then available for such purpose or the sum authorized may be in excess of any such appropriation or in excess of any limit of expenditure for the current fiscal year theretofore fixed by said board or by any law of this state; said board may also, from time to time, as the exigency of the case shall require, authorize further expenditure for the purpose aforesaid.

Money to be expended by county board of health.

2. *And be it enacted*, That said sum or sums, the expenditure of which shall be so authorized shall be expended under the direction of the board of health of said county, where such board exists.

When financial department of city, &c., may authorize expenditure of money to prevent contagious disease.

3. *And be it enacted*, That whenever there shall be presented to the board or body having charge of the financial affairs of any city, borough, village, town or township of any county which has a county board of health a certificate signed by the surgeon-general of the state, the president of

the county board of health, the president or other head officer of the local board of health (if any such board exists) the local health officer (if any such there be) and the mayor or other chief magistrate of the municipality, certifying that any contagious or infectious disease is prevailing or epidemic or likely to become so in such city, borough, village, town or township, it shall thereupon be lawful for such board or body having charge of such financial affairs to authorize by resolution the expenditure of such sums of money as to said board or body shall seem necessary for the purpose of guarding against and preventing the spread of such disease; and that notwithstanding there may be no appropriation then available for such purpose or the sum authorized may be in excess of any such appropriation or in excess of any limit of expenditure for the current fiscal year theretofore fixed by said board or body or by any law of this state; said board or body may also, from time to time, as the exigency of the case shall require, authorize further expenditure for the purpose aforesaid.

4. *And be it enacted*, That said sum or sums, the expenditure of which shall be so authorized, shall be expended under the direction of the local board of health, if there be such a board, and if not, then under the direction of the board or body authorizing such expenditure.

Money, by what board expended.

5. *And be it enacted*, That for the purposes of this act, the board or body authorizing such expenditure may bind the credit of the county, city, borough, village, town or township as the case may be and may borrow money if required, on temporary loan in a sufficient sum to pay the debts so contracted and moneys borrowed and expended for the purpose aforesaid, shall be included in the next annual tax levy thereafter made.

How expenditure provided for.

6. *And be it enacted*, That if more money shall be raised than shall be expended for the purpose aforesaid, the excess shall be applied upon the bonded debt of the city, borough, village, town or township as the case may be, or if there be no bonded debt then such excess shall be allowed for in fixing the appropriations for the next fiscal year and reduce the same accordingly.

Excess of money raised, how applied.

7. *And be it enacted*, That this act shall take effect immediately.

Approved March 24, 1885.

CHAPTER CXIII.

Supplement to an act entitled "An act to establish a system of public instruction" (Revision), approved March twenty-seventh, eighteen hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section fifty-two of the act to which this is a supplement be and the same is hereby amended so that the same shall read as follows, to wit:

[52. *And be it enacted*, That there shall be a board of trustees of said normal school, to consist of two trustees from each congressional district, only one of whom shall be a member of the same political party, and no two of whom shall reside in the same county, except where one county constitutes a congressional district; the trustees already appointed shall continue in office, severally, for the terms for which they have been appointed, and in the place of those whose terms expire during the month of March of the present year, successors shall be appointed by the senate and general assembly, in joint meeting, to hold office, severally, for the term of two years, and until their successors shall be appointed; and annually hereafter, in the place of those whose terms expire, successors in like manner and for a like term of office shall be appointed, so that there shall always be two trustees from each congressional district; and in case of any vacancy by death, resignation or otherwise, a successor for the unexpired term shall in like manner be appointed; the state superintendent of public instruction shall be, ex-officio, a member of said board of trustees.

2. *And be it enacted*, That this act shall take effect immediately.

Passed March 25, 1885.

action
mended.

trustees of
normal School
now constituted
and appointed.

CHAPTER CXIV.

An Act to establish the powers and duties of the boards of chosen freeholders in the respective counties of this state and to define the powers of the presiding officers of said board.

I. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the boards of chosen freeholders in the respective counties of this state shall have the power by resolution to designate any and all committees of their respective boards, and to define their duties, and determine the number of members of which any committee shall be composed, and they shall have power at any time to discharge any committee created by them as aforesaid.

Board of freeholders empowered to designate their committees, &c.

2. *And be it enacted*, That the officer who may be lawfully entitled to preside over the meetings of the board of chosen freeholders of any county in this state, whether such right to preside may result from an election by the members of said board, or from any election by the electors of the county at large to any office which entitles the holder thereof to preside over the meetings of the board of chosen freeholders of any county of this state, shall have the right to name the members of any committee authorized as aforesaid by such board, and shall have the power by and with the consent of a majority of the members of such board, but not otherwise, to discharge any member or members of such committees from further service thereon; and no such presiding officer, as aforesaid, whether he shall be officially known by the title of director, or director at large, or by any other official title, shall have the power to determine what committees shall be appointed, or the number of members that shall constitute any committee; and no such presiding officer, as aforesaid, shall have any further, or other power, than any single member of such board, in regard to the appointment of any person to any office or employment under such board; and no presiding officer of any board of

Powers of presiding officers of boards.

chosen freeholders shall have any other or additional powers respecting appointments to, or removals from office by such board than those now possessed by every other member of such board.

Presiding officer not to approve or veto appointment.

3. *And be it enacted*, That no officer having authority by law to preside over the meetings of the board of chosen freeholders of any county in this state, shall have the right or power to approve or veto any appointment or employment of any officer, agent, or employe of such board.

Board authorized to appoint officers and employees.

4. *And be it enacted*, That each and every board of chosen freeholders of the respective counties in this state shall have power to appoint such officers, agents and employes as may be required to do the business of such county, and fix their compensation and term of service, but no person shall be appointed by such board to any office or position in any county, unless he shall have been a citizen of the state of New Jersey for at least one year prior to such appointment, nor unless by the affirmative vote of at least a majority of all the members of said board, at a regular stated meeting of the board; and any appointment made as aforesaid, unless otherwise ordered by resolution of the board, shall be of full force and effect, and the term thereof shall commence immediately upon such vote being taken without any approval or other action by the director, acting director, or other presiding officer of such board.

Empowered to make removals.

5. *And be it enacted*, That the board of chosen freeholders of any county in this state shall have the power, by a majority vote of all the members of such board, to remove from office any person who holds office, in subordination to, or by appointment from such board, in all cases where the term of such office is not fixed by any statute of this state.

May abolish office.

6. *And be it enacted*, That the board of chosen freeholders of any county in this state shall have the power by a majority vote of all the members of such board, to abolish any office heretofore created by such board, provided such office is not a statutory office.

Action of board final.

7. *And be it enacted*, That whenever the board of chosen freeholders of any county in this state shall remove any officer or employe of such board, or shall abolish any office as provided in the two preceding sections of this act, the action of such board shall be final, and the director, or other presiding officer of such board, shall have no power, au-

thority or right to approve, or disapprove of the action of the board in such matters, but the action of the board shall be valid and of full force and effect, without being approved by the director, or acting director, of said board.

8. *And be it enacted*, That this act shall not empower any board of chosen freeholders to change the term of service or compensation of any officer of any county whose term of service and compensation are regulated by any existing statute of this state. Not empowered to change term of service and compensation of certain officers,

9. *And be it enacted*, That all acts and parts of acts, general, public, special and local, inconsistent herewith, be and the same are hereby repealed. Repealer.

10. *And be it enacted*, That this act shall take effect immediately.

Passed March 25, 1885.

CHAPTER CXV.

An act concerning the constitution of the boards of chosen freeholders of this state and to make uniform the selection and duties of directors of such boards.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter only those persons elected by the various townships, or other political divisions from which chosen freeholders are authorized to be elected by the laws of this state, shall constitute the boards of chosen freeholders in the respective counties of this state; and no member or director of any board of chosen freeholders shall be elected by the vote of the electors of a county at large, any law to the contrary hereof notwithstanding. Boards of chosen freeholders, how constituted.

2. *And be it enacted*, That the boards of chosen freeholders in the several counties of this state shall elect their own director from among their own number in accordance with the provisions of the act entitled "An act to incorporate the chosen freeholders in the respective counties of the state," approved March sixteenth, eighteen hundred and forty-six; Election of officers.

and such director shall have the powers and perform the duties prescribed by said act and no other powers or duties.

Office Abolished,
&c.

3. *And be it enacted*, That any office of director of a board of chosen freeholders created by any law of this state other than said act shall be and the same hereby is abolished, and in any county where there has hitherto been such an office the board of chosen freeholders shall immediately elect a director from their own number.

Repealer.

4. *And be it enacted*, That all acts and parts of acts, general or special, public or private, inconsistent with the provisions of this act, be and the same hereby are repealed.

5. *And be it enacted*, That this act shall be deemed a public act and take effect immediately.

Passed March 25, 1885.

CHAPTER CXVI.

An act to regulate the appointment of members of the Board of Managers of the New Jersey State Asylum for the Insane at Morristown.

Managers, how
appointed and
constituted.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the members of the Board of Managers of the New Jersey State Asylum for the Insane at Morristown, New Jersey, shall hereafter be appointed by the legislature in joint meeting, but no more than five members of such board shall belong to the same political party ; they shall hold their offices for the same term and be subject to removal in the same manner now provided by law.

Term.

2. *And be it enacted*, That this act shall take effect immediately.

Passed March 25, 1885.

CHAPTER CXVII.

A Supplement to an act entitled "A further supplement to an act entitled 'An act concerning taxes,' approved April fourteenth, one thousand eight hundred and forty-six which further supplement was approved March tenth, one thousand eight hundred and eighty-four."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all taxes levied and assessed in pursuance of the act of March tenth, eighteen hundred and eighty-four, to which this is a supplement, shall be collected, enforced and received by the appropriate officer or officers of the city, ward or township wherein said vacancy existed in the same manner and according to the laws in force for the collection of other taxes therein. Taxes assessed under act, how collected.

2. *And be it enacted*, That taxes levied for the purposes enumerated and defined in the act to which this is a supplement shall be valid, notwithstanding they may be assessed or levied by said committee prior or subsequent to the time fixed by existing laws. Taxes valid.

3. *And be it enacted*, That this act shall take effect immediately.

Passed March 25, 1885.

CHAPTER CXVIII.

A Further Supplement to an act entitled "An act concerning corporations," approved April seventh, eighteen hundred and seventy-five.

Company may
reduce capital
stock and par
value of the
shares.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when any company incorporated under any general law of this state or by special act of incorporation is limited by its charter to a certain amount of capital stock and the par value of the shares of such stock is fixed therein, such corporation shall have the power to decrease the amount of capital stock and the par value of the shares of its capital stock on filing with the secretary of the state the assent in writing of stockholders representing two-thirds in value of the existing capital stock and a certificate setting forth the amount of the capital stock as decreased, and the par value of the shares of such capital stock, and published for three weeks in a newspaper circulating in the county in which the place of business or principal office of any such company is located; and in default thereof the directors of the company shall be jointly and severally liable for all debts of the company contracted before the filing of the said certificate, and the certificate of the secretary of state that such assent and certificate have been filed in his office, shall be taken and accepted as evidence of such decrease of capital stock and of the par value of the shares thereof in any court of this state; *provided*, that no such reduction of stock or the par value of the shares thereof shall be construed to effect any reduction of the taxes that may be required to be paid by the special acts respectively incorporating such company.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Passed March 25, 1885.

CHAPTER CXIX.

An Act concerning townships.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any township in this state where the public roads are worked by commissioners elected by virtue of any special law, it shall be hereafter lawful for the township collector and he is hereby directed to pay any surplus which may be derived from road tax assessed in such township or any district thereof to the same person or persons to whom he is now directed by law to pay the amount of said road tax. Payment of surplus of road tax assessed in certain townships.

2. *And be it enacted*, That all acts and parts of acts inconsistent with this act are hereby repealed, and that this act take effect immediately. Repealer.

Passed March 25, 1885.

CHAPTER CXX.

An Act concerning the recovery of possession of land sold for taxes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if in any action at law instituted to recover possession of real estate sold for taxes under any law by which title vests in the purchaser thereof in fee, if not redeemed within the time therein specified, more than five years previous to the commencement of such action judgment shall be obtained by the person seeking the recovery of such real estate, such person or persons so recovering shall be enjoined by the chancellor on bill in equity In certain cases persons to be enjoined from taking possession until cost of improvement paid.

from taking possession of the lands in question or any part thereof until such person shall first pay to the party or parties in possession of such real estate the cost of all permanent improvements made thereto by the person or persons in possession under such tax title, his or their grantors.

2. *And be it enacted*, That this act shall take effect immediately.

Passed March 25, 1885.

CHAPTER CXXI.

A Supplement to an act entitled "An act providing for additional powers and certain changes in the government of certain localities governed by commissioners," and passed April seventeenth, eighteen hundred and eighty-four.

Section
amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of "An act providing for additional powers and certain changes in the government of certain localities governed by commissioners," and passed April seventeenth, eighteen hundred and eighty-four, shall be and the same is hereby amended to read as follows:

Elective mem-
bers of board to
be legal voters
of municipality.

[1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all municipalities in this state, governed by a board of commissioners, whether the same be chosen by the people or appointed by the supreme court, or however they may be selected, the elective members of such boards shall be legal voters of such locality.]

Section
amended.

2. *And be it enacted*, That the second section shall be and is hereby amended to read as follows:

Annual election
for collector of
taxes and board
of assessors.

[2. *And be it enacted*, That there shall be elected by the legal voters in such place at each annual election for members of such boards of commissioners, which election shall be held on the third Tuesday in January in each year, at which time also shall be appointed such members as are appointed by the supreme court, or however such members

may be selected, one collector of taxes, one board of assessors, to consist of not more than three members, who shall hold office for the term of one year; the said collector of taxes shall enter in suitable books, to be kept for that purpose, the sums received by him for taxes respectively with the names of persons on whose account the same shall be paid each day.]

3. *And be it enacted*, That the eleventh section shall be and is hereby amended to read as follows: Section amended.

[11. *And be it enacted*, That the commissioners shall have power to raise by tax such sum or sums of money as it may deem necessary and expedient for carrying on the government of such place; *provided*, that the rate of taxation in any one year shall not exceed the proportion of three dollars on one thousand dollars of the valuation of the real and personal property in such place; to borrow money and negotiate temporary loans in anticipation of taxes for any current year not exceeding in amount ten thousand dollars, such temporary loans to be paid within the current year within which such loans are made.] Commissioners empowered to raise money by tax.
Proviso.

4. *And be it enacted*, That the thirteenth section shall be and is hereby amended to read as follows: Section amended.

[13. *And be it enacted*, That it shall be lawful for the board of commissioners, whenever in their opinion the public good requires it, by ordinance to lay out and open any street, road, highway or alley within said district; to order and cause any street, road, highway or alley already laid out to be vacated, straightened, altered or widened, and to take and appropriate for such purpose any lands and real estate upon making compensation to the owner or owners thereof, such compensation and the expenses arising from such improvements to be assessed upon the property lying within the corporate boundaries of such commission, and to be assessed and collected as are other taxes assessed and collected.] Commissioners may lay out streets roads, &c.
Expenses, how assessed and collected.

5. *And be it enacted*, That the sixteenth section be and the same is hereby amended to read as follows: Section amended.

[16. *And be it enacted*, That all acts and parts of acts, general, special, local or otherwise, inconsistent with the provisions of this act and the supplements and amendments thereto be, and the same are hereby repealed.] Repealer.

Section
amended.

Act inoperative
until assented to
by majority of
legal voters of
municipality,
&c.

6. *And be it enacted*, That the seventeenth section shall be and is hereby amended to read as follows:

[17. *And be it enacted*, That this act shall take effect immediately, but its provisions shall remain inoperative, until assented to by a majority of the legal voters of such locality, voting at any regular municipal election of such place, or special election held for such purpose as directed by the commissioners or other governing body of such locality, of which election the clerk of such commission shall give notice of the time and place of its being held in the same way and manner as is provided for advertising the municipal elections of such locality, at which election there shall be printed or written, or partly printed and partly written, upon ballots, "For this act and the amendments," and printed or written or partly printed and partly written, upon ballots, "Against this act and the amendments," and the election officers of said election shall return to the commissioners or other governing body of such locality, a true and correct statement in writing, under their hands, of the results of said election in reference to the "Act and its amendments," the same to be entered at large upon the minutes of said commissioners, and if it be found that a majority of the ballots cast have upon them "For the act and the amendments," then this act and this supplement shall be lawful and of full effect, but if a majority of ballots cast have upon them "Against the acts and the amendments," then said act shall remain in force as before it was amended.]

Passed March 25, 1885.

CHAPTER CXXII.

An act concerning firemen's relief associations.

Firemen's relief
associations,
how incorporated.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That in the several cities, towns, boroughs, townships and fire districts in this state in which there now are or hereafter may be organized for and doing

public fire duty one or more fire engine, hook and ladder, hose, or supply companies, or any fire association, or fire department or board of fire wardens, which said company or companies, association or department, or fire wardens shall be under the supervision or control of any common council, or township committee, or board of commissioners, or other governing board or body whatsoever, or any salvage corps (under supervision or control of any duly authorized board of underwriters), the members of which corps shall have been enlisted from among the active or exempt firemen, or any association of exempt firemen, it shall be lawful for the chief engineer, or, if there be no chief engineer, then the fire marshal, or, in case there be neither, then the senior foreman, and for the president, if any, of such fire association or department, and all members of any board of fire wardens or board of trustees or engineers of such fire association or department, and also all firemen belonging to such fire engine, hook and ladder, hose, or supply company or companies, or salvage corps, and all members of any association of exempt firemen of such city, town, borough, township or fire district, to associate themselves together and become incorporated under and by the name of "The Fireman's Relief Association," or any other name which shall indicate the object of such association using the name of the city, town, borough, township or fire district in which the same may be located; and, upon the recording of a certificate, in form as hereinafter provided in the office of the clerk of the county in which the same may be located, and the filing of such certificate in the office of the secretary of state of this state, such person shall from and after the date of the filing thereof become and be incorporated under and by the name aforesaid, as a body politic and corporate in law and by such name shall have perpetual succession and continuance, except as hereinafter provided, and be capable of suing and being sued, complaining and defending in any court of law or equity, and may make and use a common seal and alter the same at pleasure and may receive, take, hold, purchase and convey, or mortgage, invest and re-invest, real, personal and mixed estate, and may enter into, execute and enforce any contracts or agreements relating to, touching or concerning the objects of such corporation and they and

Membership of
corporation.

their successors, and all who shall associate themselves together with them shall as such corporation be entitled to all the rights, powers, privileges, benefits, advantages and immunities which now are or hereafter may be conferred upon corporations generally under any law of this state; and the membership of such corporation shall consist, without any formal election thereto, of the officers and members of such fire engine, hook and ladder, hose and supply company or companies, fire association or fire department, or board of fire wardens, as shall be under the supervision or control of the common council, or township committee, or board of commissioners or other governing board or body of the city, town, borough, township or fire district, also such of the officers and members of any salvage corps (doing duty therein, being under the supervision or control of a duly authorized board of underwriters), as have been enlisted from among the active or exempt firemen, also of the officers and members of any association therein of exempt firemen; and the whole body of the membership of such corporation shall have the same rights therein as the charter members thereof.

Certificate of
incorporation,
where recorded
and filed.

2. *And be it enacted*, That the president and secretary of such corporation when elected as hereinafter provided, shall forthwith sign a certificate, and cause the same to be recorded in the office of the clerk of the county in which the same may be located; which certificate after being so recorded, shall be filed by the said president and secretary, in the office of the secretary of state; and the said certificate, or a copy thereof, duly certified by said county clerk or by the secretary of state, shall be evidence in all courts and places, and such certificate in writing shall set forth the election of the representatives authorized to organize such corporation, the election, by such representatives, of a board of officers and a board of visitors or trustees, giving their names and official designations, the corporate name assumed and chosen to designate such corporation, the location of such corporation, and a reference to this act; but, in case of a re-incorporation under this act, the said certificate shall instead thereof set forth the former incorporation, and the date thereof, the names and official designations of the officers of such corporation, and a reference to this act.

What to set
forth.

3. *And be it enacted*, That any and all associations, organized for the purposes intended by this act, whether incorporated or not, shall be re-organized and incorporated or re-incorporated under the provisions of this act, except such corporations as may have been created or continued by any special act of the legislature of this state, which last mentioned corporations may, if they see fit, be re-organized and re-incorporated under this act; and the president and secretary thereof, in case of such incorporation or re-incorporation, shall sign, record and file a certificate, as above provided, and the said association or corporation shall thereupon become and be a body politic and corporate in law, under and by virtue of this act, and shall have all the powers and privileges conferred by this act upon corporations formed under it, and no other powers or privileges whatsoever; and any corporation which shall be re-organized and re-incorporated under this act shall succeed to and be seized of all the right, title and interest in any estate, real, personal or mixed, belonging to it under its former organization; and the representatives, visitors or trustees, and other officers of any association or corporation re-organized and incorporated or re-incorporated under this act shall continue to serve as such until the election following such re-organization, and until their successors are elected respectively, and not thereafter; and the membership thereof shall be subject to the same conditions and shall have the same rights as provided in the first section of this act in relation to the membership of corporations formed under it; and, if any such association or corporation shall not be re-organized and incorporated or re-incorporated under this act, within one year after this act shall take effect, the same shall thereupon and thereafter be deemed and held to have forfeited its charter, any law to the contrary notwithstanding.

Associations to be organized under provisions of this act.

Associations to re-organize within one year.

4. *And be it enacted*, That there shall not hereafter be more than one firemen's relief association, or other association organized for the purposes intended by this act, in any city, town, borough, township, or fire district, except in the case of a city, town, borough, or fire district being or having been set off or incorporated within the bounds of any township, in which case such an association may be organized in such city, town, borough, or fire district, and one in the

Not more than one association to be organized in city, &c.

remaining portion of such township, or one in each of the fire districts in such township.

Where two or more associations exist charter repealed

5. *And be it enacted*, That in case two or more such associations shall exist, at the time this act shall take effect, in any city, town, borough, township, or remaining portion of any township as aforesaid, or in any fire district, the charters of each and all of such associations shall forthwith be and the same hereby are repealed, any law to the contrary notwithstanding, and one firemen's relief association may be organized therein under the provisions of this act.

Moneys and property paid over to new corporation.

6. *And be it enacted*, That in case, by virtue of any of the provisions of this act, or otherwise howsoever, any of the above mentioned associations may forfeit its charter, or such charter may be repealed or expire by limitation, or such association be dissolved, or in case, in anywise howsoever, any person or persons or association or corporation shall have in possession or charge any moneys derived from any source whatever, for the relief of indigent or disabled firemen, or any balance thereof, or any property purchased therewith, or any securities in which the same may have been invested, or if any person or persons or association or corporation may be indebted for the loan or deposit of such moneys, other than the duly incorporated firemen's relief associations allowed by this act, or the treasurers thereof, then and thereafter, upon the legal organization and incorporation hereunder of a firemen's relief association in such city, town, borough, township, or remaining portion of a township as aforesaid, or fire district, there shall forthwith be paid over, assigned and conveyed, to such new corporation, any money, accounts payable, property and securities remaining in possession or charge of such old association or corporation, or of any person or persons, or association or corporation whatever, for its use or otherwise, or any money, property or securities to which it may be entitled, at law or in equity, derived as aforesaid, and an account shall be given therewith of all moneys theretofore had and received by it or them, from the sources aforesaid, and of the disposition thereof, and all such moneys expended by it or them, other than for the benefit of indigent or disabled firemen or their families, shall also be paid over to such new corporation on demand.

7. *And be it enacted*, That each and every corporation, Corporations may adopt constitution and by-laws. incorporated or re-incorporated under this act, shall have authority, through its representatives, to make, adopt and use, and from time to time to alter, amend or change, such constitution or by-laws, or both, and such rules, for its government, and the regulation of its affairs, and the disposition and management of its funds and property, as shall seem to said representatives to be right and proper; *provided*, Proviso. that the same shall not be inconsistent with the constitution or laws of the United States, or of this state, and especially with the provisions of this act.

8. *And be it enacted*, That on or before the second Monday in December, in every year, each fire engine, hook and ladder, hose and supply company, and the board of trustees or engineers of any fire association or department, and any board of fire wardens, which company or companies, fire association or department, or board of fire wardens, shall be under the supervision or control of any common council, or township committee, or board of commissioners, or other governing board or body whatsoever, and each salvage corps, (under supervision or control of any duly authorized board of underwriters), subject to the conditions aforesaid as to the members thereof, and which company or companies, fire association or department, board of fire wardens, or salvage corps shall be organized for and doing public fire or salvage duty, in any city, town, borough, township, or fire district in this state, shall choose not more than three representatives, and the exempt firemen's association, if any such there be, shall choose not more than three representatives, who, together with the president, if any, of such fire association or department, and the chief engineer, or, if there be no chief engineer, then the fire marshal, or, in case there be neither, then the senior foreman, shall constitute a board of representatives, and shall have and exercise all the powers Powers and term of office. and perform all the duties herein committed to them, and shall hold office for one year after the date of their election, and until their successors be chosen, and until their successors shall meet for the purpose of holding the annual election of officers, as hereinafter provided.

9. *And be it enacted*, That the said board of representatives, on or before the third Monday in December, in every year, shall elect, by ballot, from among their own number When officers to be elected.

Board of visitors elected.

Term of office, &c.

Failure to hold election at time specified not to dissolve corporation.

or otherwise, a president, vice president, treasurer, and a secretary, (who shall be the board of officers of the corporation), and not more than five members of a board of visitors or trustees; except that, at the first election, after such incorporation or re-incorporation, there shall be elected not less than three nor more than fifteen visitors or trustees, who shall then be divided, by said representatives, by lot, into three classes, of not more than five persons each, those of the first class to hold office for one year after the date of their election, those of the second class to hold office for two years after the date of their election, and those of the third class to hold office for three years after the date of their election; so that one class shall go out of office each year, and that, in each year after such first election, not more than five visitors or trustees shall be elected, at the annual election, who shall hold office for three years after the date of their election; or said visitors or trustees may be elected in the same manner and from the same source as said representatives are chosen, and, in such case, shall be divided by said representatives, by lot, into three classes, for the terms aforesaid, and, when the term of any visitor or trustee so elected shall expire, his successor shall be selected from the same source as that from which he was chosen, and shall hold office for three years after the date of his election as aforesaid; all of said visitors or trustees shall hold office, however, until their successors are elected respectively.

10. *And be it enacted*, That if, at any time hereafter, any of the aforesaid elections shall not be held at the time or times hereinbefore provided, the same shall be held thereafter as soon as conveniently may be; such failure, however, shall not work any forfeiture or dissolution of the corporation, nor shall such election be of none effect by reason of any delay in holding the same; but it shall be the duty of the president and secretary of such corporation, in case of failure to hold any election at the time above provided, forthwith to give reasonable notice of a time and place for the holding of such election, and, in case they fail to give such notice, or, on failure to comply therewith, any vacancy caused thereby shall be filled as hereinafter provided, and any dereliction, on the part of any representative or officer, in the performance of any known duty, in connection with the holding of or failure to hold any election,

CHAPTER CXIX.

An Act concerning townships.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any township in this state where the public roads are worked by commissioners elected by virtue of any special law, it shall be hereafter lawful for the township collector and he is hereby directed to pay any surplus which may be derived from road tax assessed in such township or any district thereof to the same person or persons to whom he is now directed by law to pay the amount of said road tax. Payment of surplus of road tax assessed in certain township.

2. *And be it enacted*, That all acts and parts of acts inconsistent with this act are hereby repealed, and that this act take effect immediately. Repealer.

Passed March 25, 1885.

CHAPTER CXX.

An Act concerning the recovery of possession of land sold for taxes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if in any action at law instituted to recover possession of real estate sold for taxes under any law by which title vests in the purchaser thereof in fee, if not redeemed within the time therein specified, more than five years previous to the commencement of such action judgment shall be obtained by the person seeking the recovery of such real estate, such person or persons so recovering shall be enjoined by the chancellor on bill in equity In certain cases persons to be enjoined from taking possession until cost of improvement paid.

Secretary and
treasurer to
make report.

Secretary to
take oath.

Treasurer to
give bond.

Application for
assistance, and
disposal of re-
lief fund.

17. *And be it enacted*, That the said secretary and treasurer shall report to the board of representatives at their annual meeting, and shall further report to the board of representatives, or to the board of visitors or trustees, whenever requested by either of them; that the secretary shall, upon his election, take an oath of office, for the faithful performance of his duties, which oath shall be administered by the president; and that the treasurer shall give a bond to the corporation in such sum and with such surties as the representatives may from time to time require.

18. *And be it enacted*, That to such visitors or trustees shall be referred for their inspection and approval all applications for assistance, and they shall dispose of the relief fund of such corporation, within such limit and according to such rules and regulations as may from time to time be made and established by the board of representatives; and no bill therefor shall be contracted or paid, or assistance given without the approval of at least two of the visitors or trustees, which two visitors or trustees shall issue a warrant to the treasurer for the amount they deem necessary therefor, which warrant shall, before payment, be countersigned by the president; and no person or persons shall be given assistance, if the cause of the indigence, or the reason for the disability, or the nature or cause of the injury or sickness, shall not, in the opinion of a majority of such visitors or trustees, be such as to entitle him, her, or them to such assistance, nor in case, in the opinion of a majority of said visitors or trustees, the person or persons applying therefor may be deemed unworthy of assistance; and such visitors or trustees may refuse assistance, if upon inquiry, they deem the person or persons applying therefor not to be in any real need thereof.

Management of
corporation.

19. *And be it enacted*, That the management of the business and affairs and the custody of the property and the disposal of the funds and property of such corporations, except as above provided, shall be entrusted to the board of representatives thereof.

Board of repre-
sentatives may
control applica-
tion of funds,
&c.

20. *And be it enacted*, That at any meeting of the board of representatives, they shall have the right to inquire into and control the application of the funds and property of such corporation, and to suspend any of the visitors or trustees,

may be selected, one collector of taxes, one board of assessors, to consist of not more than three members, who shall hold office for the term of one year; the said collector of taxes shall enter in suitable books, to be kept for that purpose, the sums received by him for taxes respectively with the names of persons on whose account the same shall be paid each day.]

3. *And be it enacted*, That the eleventh section shall be and is hereby amended to read as follows: Section amended.

[11. *And be it enacted*, That the commissioners shall have power to raise by tax such sum or sums of money as it may deem necessary and expedient for carrying on the government of such place; *provided*, that the rate of taxation in any one year shall not exceed the proportion of three dollars on one thousand dollars of the valuation of the real and personal property in such place; to borrow money and negotiate temporary loans in anticipation of taxes for any current year not exceeding in amount ten thousand dollars, such temporary loans to be paid within the current year within which such loans are made.] Commissioners empowered to raise money by tax.
Proviso.

4. *And be it enacted*, That the thirteenth section shall be and is hereby amended to read as follows: Section amended.

[13. *And be it enacted*, That it shall be lawful for the board of commissioners, whenever in their opinion the public good requires it, by ordinance to lay out and open any street, road, highway or alley within said district; to order and cause any street, road, highway or alley already laid out to be vacated, straightened, altered or widened, and to take and appropriate for such purpose any lands and real estate upon making compensation to the owner or owners thereof, such compensation and the expenses arising from such improvements to be assessed upon the property lying within the corporate boundaries of such commission, and to be assessed and collected as are other taxes assessed and collected.] Commissioners may lay out streets roads, &c.
Expenses, how assessed and collected.

5. *And be it enacted*, That the sixteenth section be and the same is hereby amended to read as follows: Section amended.

[16. *And be it enacted*, That all acts and parts of acts, general, special, local or otherwise, inconsistent with the provisions of this act and the supplements and amendments thereto be, and the same are hereby repealed.] Repealer.

Section
amended.

Act inoperative
until assented to
by majority of
legal voters of
municipality,
&c.

6. *And be it enacted*, That the seventeenth section shall be and is hereby amended to read as follows:

[17. *And be it enacted*, That this act shall take effect immediately, but its provisions shall remain inoperative, until assented to by a majority of the legal voters of such locality, voting at any regular municipal election of such place, or special election held for such purpose as directed by the commissioners or other governing body of such locality, of which election the clerk of such commission shall give notice of the time and place of its being held in the same way and manner as is provided for advertising the municipal elections of such locality, at which election there shall be printed or written, or partly printed and partly written, upon ballots, "For this act and the amendments," and printed or written or partly printed and partly written, upon ballots, "Against this act and the amendments," and the election officers of said election shall return to the commissioners or other governing body of such locality, a true and correct statement in writing, under their hands, of the results of said election in reference to the "Act and its amendments," the same to be entered at large upon the minutes of said commissioners, and if it be found that a majority of the ballots cast have upon them "For the act and the amendments," then this act and this supplement shall be lawful and of full effect, but if a majority of ballots cast have upon them "Against the acts and the amendments," then said act shall remain in force as before it was amended.]

Passed March 25, 1885.

CHAPTER CXXII.

An act concerning firemen's relief associations.

Firemen's relief
associations,
how incorporated.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in the several cities, towns, boroughs, townships and fire districts in this state in which there now are or hereafter may be organized for and doing

public fire duty one or more fire engine, hook and ladder, hose, or supply companies, or any fire association, or fire department or board of fire wardens, which said company or companies, association or department, or fire wardens shall be under the supervision or control of any common council, or township committee, or board of commissioners, or other governing board or body whatsoever, or any salvage corps (under supervision or control of any duly authorized board of underwriters), the members of which corps shall have been enlisted from among the active or exempt firemen, or any association of exempt firemen, it shall be lawful for the chief engineer, or, if there be no chief engineer, then the fire marshal, or, in case there be neither, then the senior foreman, and for the president, if any, of such fire association or department, and all members of any board of fire wardens or board of trustees or engineers of such fire association or department, and also all firemen belonging to such fire engine, hook and ladder, hose, or supply company or companies, or salvage corps, and all members of any association of exempt firemen of such city, town, borough, township or fire district, to associate themselves together and become incorporated under and by the name of "The Fireman's Relief Association," or any other name which shall indicate the object of such association using the name of the city, town, borough, township or fire district in which the same may be located; and, upon the recording of a certificate, in form as hereinafter provided in the office of the clerk of the county in which the same may be located, and the filing of such certificate in the office of the secretary of state of this state, such person shall from and after the date of the filing thereof become and be incorporated under and by the name aforesaid, as a body politic and corporate in law and by such name shall have perpetual succession and continuance, except as hereinafter provided, and be capable of suing and being sued, complaining and defending in any court of law or equity, and may make and use a common seal and alter the same at pleasure and may receive, take, hold, purchase and convey, or mortgage, invest and re-invest, real, personal and mixed estate, and may enter into, execute and enforce any contracts or agreements relating to, touching or concerning the objects of such corporation and they and

Membership of
corporation.

their successors, and all who shall associate themselves together with them shall as such corporation be entitled to all the rights, powers, privileges, benefits, advantages and immunities which now are or hereafter may be conferred upon corporations generally under any law of this state; and the membership of such corporation shall consist, without any formal election thereto, of the officers and members of such fire engine, hook and ladder, hose and supply company or companies, fire association or fire department, or board of fire wardens, as shall be under the supervision or control of the common council, or township committee, or board of commissioners or other governing board or body of the city, town, borough, township or fire district, also such of the officers and members of any salvage corps (doing duty therein, being under the supervision or control of a duly authorized board of underwriters), as have been enlisted from among the active or exempt firemen, also of the officers and members of any association therein of exempt firemen; and the whole body of the membership of such corporation shall have the same rights therein as the charter members thereof.

Certificate of
incorporation,
where recorded
and filed.

2. *And be it enacted*, That the president and secretary of such corporation when elected as hereinafter provided, shall forthwith sign a certificate, and cause the same to be recorded in the office of the clerk of the county in which the same may be located; which certificate after being so recorded, shall be filed by the said president and secretary, in the office of the secretary of state; and the said certificate, or a copy thereof, duly certified by said county clerk or by the secretary of state, shall be evidence in all courts and places, and such certificate in writing shall set forth the election of the representatives authorized to organize such corporation, the election, by such representatives, of a board of officers and a board of visitors or trustees, giving their names and official designations, the corporate name assumed and chosen to designate such corporation, the location of such corporation, and a reference to this act; but, in case of a re-incorporation under this act, the said certificate shall instead thereof set forth the former incorporation, and the date thereof, the names and official designations of the officers of such corporation, and a reference to this act.

What to set
forth.

3. *And be it enacted*, That any and all associations, organized for the purposes intended by this act, whether incorporated or not, shall be re-organized and incorporated or re-incorporated under the provisions of this act, except such corporations as may have been created or continued by any special act of the legislature of this state, which last mentioned corporations may, if they see fit, be re-organized and re-incorporated under this act; and the president and secretary thereof, in case of such incorporation or re-incorporation, shall sign, record and file a certificate, as above provided, and the said association or corporation shall thereupon become and be a body politic and corporate in law, under and by virtue of this act, and shall have all the powers and privileges conferred by this act upon corporations formed under it, and no other powers or privileges whatsoever; and any corporation which shall be re-organized and re-incorporated under this act shall succeed to and be seized of all the right, title and interest in any estate, real, personal or mixed, belonging to it under its former organization; and the representatives, visitors or trustees, and other officers of any association or corporation re-organized and incorporated or re-incorporated under this act shall continue to serve as such until the election following such re-organization, and until their successors are elected respectively, and not thereafter; and the membership thereof shall be subject to the same conditions and shall have the same rights as provided in the first section of this act in relation to the membership of corporations formed under it; and, if any such association or corporation shall not be re-organized and incorporated or re-incorporated under this act, within one year after this act shall take effect, the same shall thereupon and thereafter be deemed and held to have forfeited its charter, any law to the contrary notwithstanding.

Associations to be organized under provisions of this act.

Associations to re-organize within one year.

4. *And be it enacted*, That there shall not hereafter be more than one firemen's relief association, or other association organized for the purposes intended by this act, in any city, town, borough, township, or fire district, except in the case of a city, town, borough, or fire district being or having been set off or incorporated within the bounds of any township, in which case such an association may be organized in such city, town, borough, or fire district, and one in the

Not more than one association to be organized in city, &c.

treasury of the state shall be paid back to said corporation from time to time for each mile of the railroad as constructed.

Time for construction of road extended.

3. *And be it enacted*, That any corporation availing itself of the provisions of this act shall have the time within which the construction of its railroad must be commenced extended to six months from the passage of this act, and the time within which it must be completed to two years from the expiration of said six months.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 25, 1885.

CHAPTER CXXIV.

A Supplement to an act entitled "An act concerning idiots and lunatics," (Revision) approved March twenty-seventh, one thousand eight hundred and seventy-four.

Cases of idiocy or lunacy may be heard by Prerogative or Orphans' court without costs.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases of idiocy and lunacy of persons who have been or may be in the military, naval, or marine service of the United States, their widows, children, mothers and fathers, said idiocy or lunacy may be summarily heard and determined without costs except witness and jury fees, by the prerogative court or the orphans' court of the county in which such person resides, and said court is hereby authorized on further application for that purpose to appoint a guardian, also without costs for the person and estate of said person; *provided*, said guardianship shall extend only to so much of said estate as may come or be derived from pension, bounty or other allowance due or to become due to such person from the United States.

Witnesses to be called.

2. *And be it enacted*, That in hearing and determining such cases of idiocy and lunacy, said court shall call at least two respectable physicians and other credible witnesses, and fully investigate the facts of the case including said estate,

and either with or without the verdict of a jury at its discretion shall decide said case and fix the amount of bond of such guardian; *provided*, that when such person is already an inmate of any lunatic asylum under and by virtue of the twentieth and twenty-first sections of the act entitled "An act to provide for the organization of the state lunatic asylum and for the care and maintenance of the insane," approved February twenty-three, one thousand eight hundred and forty-seven, said court may on due proof thereof, appoint said guardian without further proceedings.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 25, 1885.

CHAPTER CXXV.

An Act concerning the taxation of railroad and canal property.

I. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases in which an appeal to a justice of the supreme court is now pending or shall hereafter be brought under or pursuant to any statute of this state for the review of any assessment of taxes made by a board of railroad commissioners, or in which a writ of certiorari is now pending or shall hereafter be prosecuted in the supreme court of this state for the review of any assessment of taxes made by a state board of assessors, it shall be the duty of such justice or of such court as the case may be, by whomsoever such appeal or writ has been or may be taken or prosecuted to reduce or increase such assessment as may be just, or to refer the same back to such board of railroad commissioners or state board of assessors as the case may be, who shall correct or re-assess the said assessment in accordance with the instructions of such justice, or of such court as the case may be.

In proceedings for review supreme court or justice may adjust assessment or refer same for correction or re-assessment.

Upon motion of attorney-general court to appoint special term for hearing certain cases.

2. *And be it enacted*, That upon the motion of the attorney-general, to be made in his discretion before the supreme court in what is known as the main court, the said supreme court shall appoint a special term, or terms if need be, for the hearing and determination before said court in banc of causes pending upon writs of certiorari now or hereafter prosecuted in said court under and pursuant to the act entitled "An act for the taxation of railroad and canal property," approved April tenth, A. D., eighteen hundred and eighty-four.

Board of railroad commissioners constituted.

3. *And be it enacted*, That the comptroller and treasurer of this state, and the person heretofore appointed by the governor pursuant to the provisions of the act entitled "An act respecting the office of commissioner of railroad taxation," approved April seventeenth, eighteen hundred and eighty-four, shall be deemed and taken to have been since the appointment of such person, and now to be the board of railroad commissioners constituted by the act entitled "An act providing for state taxes on railroads, and the more efficient collection thereof," approved April thirteenth, eighteen hundred and seventy-six, and charged with the duties and clothed with the powers imposed and conferred by said act, and they are hereby declared and constituted to be the board of railroad commissioners, and the said board are hereby empowered and required to perform all the duties prescribed by the act last aforesaid to be performed by the board aforesaid, in respect to any assessment of tax upon any property of any railroad or canal company, which have not heretofore been performed; and all proceedings in respect to such assessment of tax, an appeal therefrom, and the collection thereof, shall be had and taken in accordance with the provisions of the act last aforesaid, and shall be valid and effectual in law; and the term of office of the members of said board shall continue until all such duties shall have been fully performed.

Duties, &c.

Repealer.

4. *And be it enacted*, That this act shall take effect immediately, and that all acts or parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.

Approved March 25, 1885.

may be selected, one collector of taxes, one board of assessors, to consist of not more than three members, who shall hold office for the term of one year; the said collector of taxes shall enter in suitable books, to be kept for that purpose, the sums received by him for taxes respectively with the names of persons on whose account the same shall be paid each day.]

3. *And be it enacted*, That the eleventh section shall be and is hereby amended to read as follows: Section amended.

[11. *And be it enacted*, That the commissioners shall have power to raise by tax such sum or sums of money as it may deem necessary and expedient for carrying on the government of such place; *provided*, that the rate of taxation in any one year shall not exceed the proportion of three dollars on one thousand dollars of the valuation of the real and personal property in such place; to borrow money and negotiate temporary loans in anticipation of taxes for any current year not exceeding in amount ten thousand dollars, such temporary loans to be paid within the current year within which such loans are made.] Commissioners empowered to raise money by tax.
Proviso.

4. *And be it enacted*, That the thirteenth section shall be and is hereby amended to read as follows: Section amended.

[13. *And be it enacted*, That it shall be lawful for the board of commissioners, whenever in their opinion the public good requires it, by ordinance to lay out and open any street, road, highway or alley within said district; to order and cause any street, road, highway or alley already laid out to be vacated, straightened, altered or widened, and to take and appropriate for such purpose any lands and real estate upon making compensation to the owner or owners thereof, such compensation and the expenses arising from such improvements to be assessed upon the property lying within the corporate boundaries of such commission, and to be assessed and collected as are other taxes assessed and collected.] Commissioners may lay out streets roads, &c.
Expenses, how assessed and collected.

5. *And be it enacted*, That the sixteenth section be and the same is hereby amended to read as follows: Section amended.

[16. *And be it enacted*, That all acts and parts of acts, general, special, local or otherwise, inconsistent with the provisions of this act and the supplements and amendments thereto be, and the same are hereby repealed.] Repealer.

Section
amended.

Act inoperative
until assented to
by majority of
legal voters of
municipality,
&c.

6. *And be it enacted*, That the seventeenth section shall be and is hereby amended to read as follows:

[17. *And be it enacted*, That this act shall take effect immediately, but its provisions shall remain inoperative, until assented to by a majority of the legal voters of such locality, voting at any regular municipal election of such place, or special election held for such purpose as directed by the commissioners or other governing body of such locality, of which election the clerk of such commission shall give notice of the time and place of its being held in the same way and manner as is provided for advertising the municipal elections of such locality, at which election there shall be printed or written, or partly printed and partly written, upon ballots, "For this act and the amendments," and printed or written or partly printed and partly written, upon ballots, "Against this act and the amendments," and the election officers of said election shall return to the commissioners or other governing body of such locality, a true and correct statement in writing, under their hands, of the results of said election in reference to the "Act and its amendments," the same to be entered at large upon the minutes of said commissioners, and if it be found that a majority of the ballots cast have upon them "For the act and the amendments," then this act and this supplement shall be lawful and of full effect, but if a majority of ballots cast have upon them "Against the acts and the amendments," then said act shall remain in force as before it was amended.]

Passed March 25, 1885.

CHAPTER CXXII.

An act concerning firemen's relief associations.

Firemen's relief
associations,
how incorporated.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in the several cities, towns, boroughs, townships and fire districts in this state in which there now are or hereafter may be organized for and doing

public fire duty one or more fire engine, hook and ladder, hose, or supply companies, or any fire association, or fire department or board of fire wardens, which said company or companies, association or department, or fire wardens shall be under the supervision or control of any common council, or township committee, or board of commissioners, or other governing board or body whatsoever, or any salvage corps (under supervision or control of any duly authorized board of underwriters), the members of which corps shall have been enlisted from among the active or exempt firemen, or any association of exempt firemen, it shall be lawful for the chief engineer, or, if there be no chief engineer, then the fire marshal, or, in case there be neither, then the senior foreman, and for the president, if any, of such fire association or department, and all members of any board of fire wardens or board of trustees or engineers of such fire association or department, and also all firemen belonging to such fire engine, hook and ladder, hose, or supply company or companies, or salvage corps, and all members of any association of exempt firemen of such city, town, borough, township or fire district, to associate themselves together and become incorporated under and by the name of "The Fireman's Relief Association," or any other name which shall indicate the object of such association using the name of the city, town, borough, township or fire district in which the same may be located; and, upon the recording of a certificate, in form as hereinafter provided in the office of the clerk of the county in which the same may be located, and the filing of such certificate in the office of the secretary of state of this state, such person shall from and after the date of the filing thereof become and be incorporated under and by the name aforesaid, as a body politic and corporate in law and by such name shall have perpetual succession and continuance, except as hereinafter provided, and be capable of suing and being sued, complaining and defending in any court of law or equity, and may make and use a common seal and alter the same at pleasure and may receive, take, hold, purchase and convey, or mortgage, invest and re-invest, real, personal and mixed estate, and may enter into, execute and enforce any contracts or agreements relating to, touching or concerning the objects of such corporation and they and

Membership of
corporation.

their successors, and all who shall associate themselves together with them shall as such corporation be entitled to all the rights, powers, privileges, benefits, advantages and immunities which now are or hereafter may be conferred upon corporations generally under any law of this state; and the membership of such corporation shall consist, without any formal election thereto, of the officers and members of such fire engine, hook and ladder, hose and supply company or companies, fire association or fire department, or board of fire wardens, as shall be under the supervision or control of the common council, or township committee, or board of commissioners or other governing board or body of the city, town, borough, township or fire district, also such of the officers and members of any salvage corps (doing duty therein, being under the supervision or control of a duly authorized board of underwriters), as have been enlisted from among the active or exempt firemen, also of the officers and members of any association therein of exempt firemen; and the whole body of the membership of such corporation shall have the same rights therein as the charter members thereof.

Certificate of
incorporation,
where recorded
and filed.

2. *And be it enacted*, That the president and secretary of such corporation when elected as hereinafter provided, shall forthwith sign a certificate, and cause the same to be recorded in the office of the clerk of the county in which the same may be located; which certificate after being so recorded, shall be filed by the said president and secretary, in the office of the secretary of state; and the said certificate, or a copy thereof, duly certified by said county clerk or by the secretary of state, shall be evidence in all courts and places, and such certificate in writing shall set forth the election of the representatives authorized to organize such corporation, the election, by such representatives, of a board of officers and a board of visitors or trustees, giving their names and official designations, the corporate name assumed and chosen to designate such corporation, the location of such corporation, and a reference to this act; but, in case of a re-incorporation under this act, the said certificate shall instead thereof set forth the former incorporation, and the date thereof, the names and official designations of the officers of such corporation, and a reference to this act.

What to set
forth.

3. *And be it enacted*, That any and all associations, organized for the purposes intended by this act, whether incorporated or not, shall be re-organized and incorporated or re-incorporated under the provisions of this act, except such corporations as may have been created or continued by any special act of the legislature of this state, which last mentioned corporations may, if they see fit, be re-organized and re-incorporated under this act; and the president and secretary thereof, in case of such incorporation or re-incorporation, shall sign, record and file a certificate, as above provided, and the said association or corporation shall thereupon become and be a body politic and corporate in law, under and by virtue of this act, and shall have all the powers and privileges conferred by this act upon corporations formed under it, and no other powers or privileges whatsoever; and any corporation which shall be re-organized and re-incorporated under this act shall succeed to and be seized of all the right, title and interest in any estate, real, personal or mixed, belonging to it under its former organization; and the representatives, visitors or trustees, and other officers of any association or corporation re-organized and incorporated or re-incorporated under this act shall continue to serve as such until the election following such re-organization, and until their successors are elected respectively, and not thereafter; and the membership thereof shall be subject to the same conditions and shall have the same rights as provided in the first section of this act in relation to the membership of corporations formed under it; and, if any such association or corporation shall not be re-organized and incorporated or re-incorporated under this act, within one year after this act shall take effect, the same shall thereupon and thereafter be deemed and held to have forfeited its charter, any law to the contrary notwithstanding.

Associations to be organized under provisions of this act.

Associations to re-organise within one year.

4. *And be it enacted*, That there shall not hereafter be more than one firemen's relief association, or other association organized for the purposes intended by this act, in any city, town, borough, township, or fire district, except in the case of a city, town, borough, or fire district being or having been set off or incorporated within the bounds of any township, in which case such an association may be organized in such city, town, borough, or fire district, and one in the

Not more than one association to be organized in city, &c.

remaining portion of such township, or one in each of the fire districts in such township.

Where two or more associations exist charter repealed

5. *And be it enacted*, That in case two or more such associations shall exist, at the time this act shall take effect, in any city, town, borough, township, or remaining portion of any township as aforesaid, or in any fire district, the charters of each and all of such associations shall forthwith be and the same hereby are repealed, any law to the contrary notwithstanding, and one firemen's relief association may be organized therein under the provisions of this act.

Moneys and property paid over to new corporation.

6. *And be it enacted*, That in case, by virtue of any of the provisions of this act, or otherwise howsoever, any of the above mentioned associations may forfeit its charter, or such charter may be repealed or expire by limitation, or such association be dissolved, or in case, in anywise howsoever, any person or persons or association or corporation shall have in possession or charge any moneys derived from any source whatever, for the relief of indigent or disabled firemen, or any balance thereof, or any property purchased therewith, or any securities in which the same may have been invested, or if any person or persons or association or corporation may be indebted for the loan or deposit of such moneys, other than the duly incorporated firemen's relief associations allowed by this act, or the treasurers thereof, then and thereafter, upon the legal organization and incorporation hereunder of a firemen's relief association in such city, town, borough, township, or remaining portion of a township as aforesaid, or fire district, there shall forthwith be paid over, assigned and conveyed, to such new corporation, any money, accounts payable, property and securities remaining in possession or charge of such old association or corporation, or of any person or persons, or association or corporation whatever, for its use or otherwise, or any money, property or securities to which it may be entitled, at law or in equity, derived as aforesaid, and an account shall be given therewith of all moneys theretofore had and received by it or them, from the sources aforesaid, and of the disposition thereof, and all such moneys expended by it or them, other than for the benefit of indigent or disabled firemen or their families, shall also be paid over to such new corporation on demand.

7. *And be it enacted*, That each and every corporation, Corporations may adopt constitution and by-laws. incorporated or re-incorporated under this act, shall have authority, through its representatives, to make, adopt and use, and from time to time to alter, amend or change, such constitution or by-laws, or both, and such rules, for its government, and the regulation of its affairs, and the disposition and management of its funds and property, as shall seem to said representatives to be right and proper; *provided*, Proviso. that the same shall not be inconsistent with the constitution or laws of the United States, or of this state, and especially with the provisions of this act.

8. *And be it enacted*, That on or before the second Monday in December, in every year, each fire engine, hook and ladder, hose and supply company, and the board of trustees or engineers of any fire association or department, and any board of fire wardens, which company or companies, fire association or department, or board of fire wardens, shall be under the supervision or control of any common council, or township committee, or board of commissioners, or other governing board or body whatsoever, and each salvage corps, (under supervision or control of any duly authorized board of underwriters), subject to the conditions aforesaid as to the members thereof, and which company or companies, fire association or department, board of fire wardens, or salvage corps shall be organized for and doing public fire or salvage duty, in any city, town, borough, township, or fire district in this state, shall choose not more than three representatives, and the exempt firemen's association, if any such there be, shall choose not more than three representatives, who, together with the president, if any, of such fire association or department, and the chief engineer, or, if there be no chief engineer, then the fire marshal, or, in case there be neither, then the senior foreman, shall constitute a board of representatives, and shall have and exercise all the powers Powers and term of office. and perform all the duties herein committed to them, and shall hold office for one year after the date of their election, and until their successors be chosen, and until their successors shall meet for the purpose of holding the annual election of officers, as hereinafter provided.

9. *And be it enacted*, That the said board of representatives, on or before the third Monday in December, in every year, shall elect, by ballot, from among their own number When officers to be elected.

Board of visitors elected.

Term of office, &c.

Failure to hold election at time specified not to dissolve corporation.

or otherwise, a president, vice president, treasurer, and a secretary, (who shall be the board of officers of the corporation), and not more than five members of a board of visitors or trustees; except that, at the first election, after such incorporation or re-incorporation, there shall be elected not less than three nor more than fifteen visitors or trustees, who shall then be divided, by said representatives, by lot, into three classes, of not more than five persons each, those of the first class to hold office for one year after the date of their election, those of the second class to hold office for two years after the date of their election, and those of the third class to hold office for three years after the date of their election; so that one class shall go out of office each year, and that, in each year after such first election, not more than five visitors or trustees shall be elected, at the annual election, who shall hold office for three years after the date of their election; or said visitors or trustees may be elected in the same manner and from the same source as said representatives are chosen, and, in such case, shall be divided by said representatives, by lot, into three classes, for the terms aforesaid, and, when the term of any visitor or trustee so elected shall expire, his successor shall be selected from the same source as that from which he was chosen, and shall hold office for three years after the date of his election as aforesaid; all of said visitors or trustees shall hold office, however, until their successors are elected respectively.

10. *And be it enacted*, That if, at any time hereafter, any of the aforesaid elections shall not be held at the time or times hereinbefore provided, the same shall be held thereafter as soon as conveniently may be; such failure, however, shall not work any forfeiture or dissolution of the corporation, nor shall such election be of none effect by reason of any delay in holding the same; but it shall be the duty of the president and secretary of such corporation, in case of failure to hold any election at the time above provided, forthwith to give reasonable notice of a time and place for the holding of such election, and, in case they fail to give such notice, or, on failure to comply therewith, any vacancy caused thereby shall be filled as hereinafter provided, and any dereliction, on the part of any representative or officer, in the performance of any known duty, in connection with the holding of or failure to hold any election,

shall be deemed a malfeasance in office, and shall be punished accordingly; and, if any person shall be elected to any office, at any other than the usual time for such election, such person shall hold office only until the time for the next regular election, and until his successor shall be elected.

11. *And be it enacted*, That a majority of said board of representatives, or of said board of visitors or trustees as the case may be, shall constitute a quorum at the meetings of said boards respectively. Majority to constitute quorum.

12. *And be it enacted*, That no person shall at any one time serve on both of said boards of representatives and of visitors or trustees, but, if elected to both, shall resign one or the other as he may see fit; except that each board may delegate one of its number to sit with the members of the other board. Person not to serve on both boards.

13. *And be it enacted*, That said board of visitors or trustees shall once in each year, immediately after the election of the new members thereof, elect, by ballot, a chairman and secretary; and their chairman shall convene them when he may think proper, at least twice in each year, and also whenever so requested by any of said visitors or trustees. Chairman and secretary of board of visitors elected annually.

14. *And be it enacted*, That said board of representatives shall be convened by their president when he may think proper, at least twice in each year, and also whenever he may be requested so to do by a majority of said representatives; and said representatives may provide, in their by-laws, for regular stated meetings of said representatives and of said visitors or trustees. When board of representatives may be convened.

15. *And be it enacted*, That in case a vacancy shall occur in the office of representative, such vacancy shall forthwith be filled by the company, association, board or corps by which he was elected, for the remainder of the term for which he was elected, by a special election to be held for that purpose. Vacancy in office of representatives, how filled.

16. *And be it enacted*, That in case of a vacancy in the office of president, vice-president, treasurer, or secretary, or in the office of visitor or trustee, such vacancy shall forthwith be filled by the representatives, or by the company, association, board or corps by which he was elected, for the remainder of the term for which he was elected, by a special election to be held for that purpose. Vacancy in office of president, &c., how filled.

Secretary and treasurer to make report.

Secretary to take oath.

Treasurer to give bond.

Application for assistance, and disposal of relief fund.

Management of corporation.

Board of representatives may control application of funds, &c.

17. *And be it enacted*, That the said secretary and treasurer shall report to the board of representatives at their annual meeting, and shall further report to the board of representatives, or to the board of visitors or trustees, whenever requested by either of them; that the secretary shall, upon his election, take an oath of office, for the faithful performance of his duties, which oath shall be administered by the president; and that the treasurer shall give a bond to the corporation in such sum and with such sureties as the representatives may from time to time require.

18. *And be it enacted*, That to such visitors or trustees shall be referred for their inspection and approval all applications for assistance, and they shall dispose of the relief fund of such corporation, within such limit and according to such rules and regulations as may from time to time be made and established by the board of representatives; and no bill therefor shall be contracted or paid, or assistance given without the approval of at least two of the visitors or trustees, which two visitors or trustees shall issue a warrant to the treasurer for the amount they deem necessary therefor, which warrant shall, before payment, be countersigned by the president; and no person or persons shall be given assistance, if the cause of the indigence, or the reason for the disability, or the nature or cause of the injury or sickness, shall not, in the opinion of a majority of such visitors or trustees, be such as to entitle him, her, or them to such assistance, nor in case, in the opinion of a majority of said visitors or trustees, the person or persons applying therefor may be deemed unworthy of assistance; and such visitors or trustees may refuse assistance, if upon inquiry, they deem the person or persons applying therefor not to be in any real need thereof.

19. *And be it enacted*, That the management of the business and affairs and the custody of the property and the disposal of the funds and property of such corporations, except as above provided, shall be entrusted to the board of representatives thereof.

20. *And be it enacted*, That at any meeting of the board of representatives, they shall have the right to inquire into and control the application of the funds and property of such corporation, and to suspend any of the visitors or trustees,

or officers, if judged by them to be guilty of misconduct or malfeasance in office; until a trial thereof can be had.

21. *And be it enacted*, That if any of the said representatives, visitors or trustees, or officers shall be charged with misconduct or malfeasance in office, such charge shall forthwith be investigated by the company, association, board or corps by which he was elected, and in case on a trial thereof, at which he may be heard in his own behalf or by counsel he shall be found guilty, such company, association, board, or corps shall declare his office vacant and shall fill such vacancy as above provided.

Office of representatives, &c., guilty of misconduct to be declared vacant.

22. *And be it enacted*, That no part of the funds of such corporations shall be used for banking purposes or in any manner except as provided for in this act, and except for necessary expenses in carrying out the interests and objects of such corporations.

Funds not used for banking purposes.

23. *And be it enacted*, That the object of corporations under this act shall be to establish, provide for and maintain a fund for the relief, support, or burial of indigent exempt firemen and of their families and of such persons and of the families of such persons as may be injured or killed while doing public fire duty, or may become indigent or be disabled, or may die as the result of their doing such duty or may be prevented by such injury, or by sickness arising from their doing such duty, from attending to their usual occupation or calling.

Object of corporation.

24. *And be it enacted*, That it shall be lawful for the several duly incorporated firemen's relief associations in this state to take part, by delegates elected as hereinafter provided, in the organization and conduct of a state firemen's relief association; *provided*, that there shall not be more than one such state association, the incorporation of which is hereby authorized, the same to be known as the "New Jersey State Firemen's Association;" and such state association shall have the same rights, powers and privileges as the local firemen's relief associations, except that of sharing in the distribution of any fund for the relief of indigent or disabled firemen, other than that the expense of maintaining such state association shall be borne equally by all of the local firemen's relief associations in this state.

May elect delegates to organize state association.

Proviso.

When delegates to meetings of state association chosen.

25. *And be it enacted*, That on or before the second Wednesday in September, in every year, the board of representatives of each duly incorporated local firemen's relief association in this state may and shall choose out of the whole body of the membership thereof, three delegates, who, together with the chief engineer, or, if there be no chief engineer, then the fire marshal, or, in case there be neither, then the senior foreman shall represent said corporation at the meetings of the said "New Jersey State Firemen's Association."

Officers of state association annually chosen.

26. *And be it enacted*, That at each annual meeting or convention of the said "New Jersey State Firemen's Association," there shall be chosen, by ballot, a president and secretary and such other officers as the constitution and by-laws adopted by said state association may require, which president, secretary and other officers shall constitute the executive committee of said state association; and the said president and secretary, after each such election, shall file in the office of the secretary of state a sworn statement of the fact of such election and of the names of the president and secretary and other officers so chosen; and the first certificate so filed after this act shall take effect shall be deemed and taken to be the certificate of the incorporation of such state association, and shall contain a reference to this act and state the intention to incorporate thereunder, and shall have thereon an impression of the common seal of such state association.

Statement to be filed with secretary of state.

Association to file copy of constitution, &c., with secretary of state association.

27. *And be it enacted*, That each local firemen's relief association, except such as have been incorporated by any special act of the legislature of this state, shall file a copy of its constitution and by-laws and of its certificate of incorporation with the secretary of the said "New Jersey State Firemen's Association," who shall forthwith submit the same to the executive committee thereof for their inspection and approval, in order to determine which of said local firemen's relief associations have complied with the requirements of this act in relation thereto.

Association to file annual statement with secretary of state.

28. *And be it enacted*, That on or before the first day of April, in every year after the year in which this act shall take effect, each local firemen's relief association, whether incorporated under this act or otherwise howsoever, shall cause to be filed with the secretary of state a sworn state-

ment, showing the names of its representatives, visitors or trustees and other officers, with the amount of their respective fees or salaries, if any, also the names of its beneficiaries during or within the year next preceeding such statement, the amount of money paid to each of such beneficiaries, also the receipts and expenses, during such year, such expenses to be stated in detail, and the amount of money and other property in its possession at the date of making such statement, and how said money is invested or secured, or where it is deposited, a duplicate of which statement, also sworn to, shall at the same time be filed with the secretary of the said "New Jersey State Firemen's Association;" an examination of which statements shall forthwith be made, by the executive committee of the said state association, to determine which of said local firemen's relief associations have complied with the requirements of this act in relation thereto.

Duplicate filed.

29. *And be it enacted*, That the secretary of said state association, on or before the first day of June, in every year after the year in which this act shall take effect, shall file in the office of the secretary of state a sworn certificate, countersigned by the president of said state association, setting forth the name and address of the treasurer of each of such local firemen's relief associations as have complied with the several requirements of this act; and no firemen's relief association, incorporated by any special act of the legislature of this state, nor any of the officers thereof, shall share in the distribution of, nor be entitled to have or receive any part of any fund for the relief of indigent or disabled firemen, unless it and they shall have complied with the requirements of this act in regard to the annual statements aforesaid, and shall be so certified to the secretary of state; and no other firemen's relief association, nor any of its officers, shall share in such distribution, nor be entitled to have or receive any part of any such fund, unless it and they shall have complied with the several requirements of this act, and shall be so certified as aforesaid to the secretary of state.

Secretary of state association to file annual certificate with secretary of state.

30. *And be it enacted*, That any local firemen's relief association, incorporated or re-incorporated under this act, may be dissolved, at any meeting thereof, by a vote, by written or printed ballot, of two-thirds of the members present and voting in favor thereof; *provided*, that notice of such meeting, and of the purpose thereof, signed by at least ten of the

Association may be dissolved.

members, shall have been mailed to each person entitled to vote thereat, at least twenty days previous thereto, and shall have been published, for three weeks successively, once in each week, in a newspaper circulating in the neighborhood where the said association may be located, notice of which dissolution shall forthwith be filed with the secretary of state and with the secretary of said state association.

Legislature may
alter or repeal
act or charter of
association.

31. *And be it enacted*, That the legislature may at any time alter, modify, or repeal this act, and may also alter, suspend or repeal the charter of any firemen's relief association incorporated or re-incorporated under and by virtue of the provisions of this act.

Act not to
affect certain
corporations.

32. *And be it enacted*, That nothing in this act contained shall be deemed or held to repeal the charter of any incorporated association, or to dissolve any voluntary association, heretofore organized by the exempt firemen of any city in this state, or by the volunteer firemen therein previous to or at or about the time of the organization therein of a paid fire department, or to prevent the incorporation of any such associations, nor shall this act apply to or in any manner affect any funds which may have been or may hereafter be accumulated by any such associations.

Repealer.

33. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act, (excepting such special charters as have been granted by the legislature of this state), and especially the act entitled "An act to incorporate fire departments," approved March eighth, one thousand eight hundred and seventy-seven, be and the same are hereby repealed, and this act shall take effect immediately.

Approved March 25, 1885.

CHAPTER CXXIII.

Supplement to an act entitled "An act to authorize the formation of railroad corporations and to regulate the same," approved April second, one thousand eight hundred and seventy-three.

I. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any corporation organized during the year one thousand eight hundred and eighty-three may change the location previously adopted, including a change of one of the termini, named in its articles of association by action of its board of directors, and upon filing a certificate of said action, under the seal of the said corporation, in the office of the seeretary of state, accompanied with a plan showing the substituted terminus and route; any previous route adopted shall be deemed to be abandoned, and the route described in said action and plan so filed shall thereupon and thereafter constitute the route of the railroad of said corporation between the termini as therein fixed; and the said corporation shall be vested with all the powers as to such substituted line as it was vested with in regard to its original route.

Corporations organized in 1883 may change previous location and termini.

2. *And be it enacted*, That any such corporation taking the action provided in the first section of this act shall also have the right, at the time and as part of said action, to either increase or decrease its capital stock in the due proportion to which its route may be lengthened or shortened as the result of such action; and if, by said action, the length of its railroad shall be increased, it shall be required to deposit with the treasurer of the state two thousand dollars for each additional mile of such increase; but if the length of its railroad shall be decreased, it shall at once have the right to demand and receive from the treasurer of the state, out of the moneys previously deposited by it, a sum equivalent to two thousand dollars for each mile of said decrease; the moneys deposited by it and remaining in the

May increase or decrease capital stock.

Deposit required.

treasury of the state shall be paid back to said corporation from time to time for each mile of the railroad as constructed.

Time for construction of road extended.

3. *And be it enacted*, That any corporation availing itself of the provisions of this act shall have the time within which the construction of its railroad must be commenced extended to six months from the passage of this act, and the time within which it must be completed to two years from the expiration of said six months.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 25, 1885.

CHAPTER CXXIV.

A Supplement to an act entitled "An act concerning idiots and lunatics," (Revision) approved March twenty-seventh, one thousand eight hundred and seventy-four.

Cases of idiocy or lunacy may be heard by Prerogative or Orphans' court without costs.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases of idiocy and lunacy of persons who have been or may be in the military, naval, or marine service of the United States, their widows, children, mothers and fathers, said idiocy or lunacy may be summarily heard and determined without costs except witness and jury fees, by the prerogative court or the orphans' court of the county in which such person resides, and said court is hereby authorized on further application for that purpose to appoint a guardian, also without costs for the person and estate of said person; *provided*, said guardianship shall extend only to so much of said estate as may come or be derived from pension, bounty or other allowance due or to become due to such person from the United States.

Witnesses to be called.

2. *And be it enacted*, That in hearing and determining such cases of idiocy and lunacy, said court shall call at least two respectable physicians and other credible witnesses, and fully investigate the facts of the case including said estate,

and either with or without the verdict of a jury at its discretion shall decide said case and fix the amount of bond of such guardian; *provided*, that when such person is already an inmate of any lunatic asylum under and by virtue of the twentieth and twenty-first sections of the act entitled "An act to provide for the organization of the state lunatic asylum and for the care and maintenance of the insane," approved February twenty-three, one thousand eight hundred and forty-seven, said court may on due proof thereof, appoint said guardian without further proceedings. Proviso.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 25, 1885.

CHAPTER CXXV.

An Act concerning the taxation of railroad and canal property.

I. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases in which an appeal to a justice of the supreme court is now pending or shall hereafter be brought under or pursuant to any statute of this state for the review of any assessment of taxes made by a board of railroad commissioners, or in which a writ of certiorari is now pending or shall hereafter be prosecuted in the supreme court of this state for the review of any assessment of taxes made by a state board of assessors, it shall be the duty of such justice or of such court as the case may be, by whomsoever such appeal or writ has been or may be taken or prosecuted to reduce or increase such assessment as may be just, or to refer the same back to such board of railroad commissioners or state board of assessors as the case may be, who shall correct or re-assess the said assessment in accordance with the instructions of such justice, or of such court as the case may be. In proceedings for review supreme court or justice may adjust assessment or refer same for correction or re-assessment.

Upon motion of attorney-general court to appoint special term for hearing certain cases.

2. *And be it enacted*, That upon the motion of the attorney-general, to be made in his discretion before the supreme court in what is known as the main court, the said supreme court shall appoint a special term, or terms if need be, for the hearing and determination before said court in banc of causes pending upon writs of certiorari now or hereafter prosecuted in said court under and pursuant to the act entitled "An act for the taxation of railroad and canal property," approved April tenth, A. D., eighteen hundred and eighty-four.

Board of railroad commissioners constituted.

3. *And be it enacted*, That the comptroller and treasurer of this state, and the person heretofore appointed by the governor pursuant to the provisions of the act entitled "An act respecting the office of commissioner of railroad taxation," approved April seventeenth, eighteen hundred and eighty-four, shall be deemed and taken to have been since the appointment of such person, and now to be the board of railroad commissioners constituted by the act entitled "An act providing for state taxes on railroads, and the more efficient collection thereof," approved April thirteenth, eighteen hundred and seventy-six, and charged with the duties and clothed with the powers imposed and conferred by said act, and they are hereby declared and constituted to be the board of railroad commissioners, and the said board are hereby empowered and required to perform all the duties prescribed by the act last aforesaid to be performed by the board aforesaid, in respect to any assessment of tax upon any property of any railroad or canal company, which have not heretofore been performed; and all proceedings in respect to such assessment of tax, an appeal therefrom, and the collection thereof, shall be had and taken in accordance with the provisions of the act last aforesaid, and shall be valid and effectual in law; and the term of office of the members of said board shall continue until all such duties shall have been fully performed.

Duties, &c.

Repealer.

4. *And be it enacted*, That this act shall take effect immediately, and that all acts or parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.

Approved March 25, 1885.

CHAPTER CXXVI.

An Act concerning cities.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of aldermen, common council or other legislative body of any city of this state shall have power to pass, alter or repeal ordinances to take effect in such city, to license, regulate or prohibit the business of a pawnbroker, and to fix the license fee and terms upon which licenses for such purposes shall be granted, and no other license whether granted by a court or otherwise for any such purpose shall be valid within said city; *provided however*, that in case any applicant for license shall have been theretofore licensed by a court or otherwise, and such license shall be then in force, the said city shall return to said applicant the license fee paid to the clerk of the court of common pleas upon receiving from said applicant a license fee in virtue of any ordinance.

Authorities of city may pass ordinance to license pawn-brokers.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 25, 1885.

CHAPTER CXXVII.

An Act relative to interest on arrears of taxes and assessments in towns and townships.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That at any time within one year after the passage of this act, any person or persons may pay to the collector of taxes, or other person authorized to receive

Amount of tax in arrears may be paid within one year.

the same, in any town or township in this state, the amount of any tax or assessment due upon any real or personal property belonging to such person or persons laid or imposed prior to the year one thousand eight hundred and eighty-four, and now remaining unpaid, together with interest thereon at seven per cent. per annum, to be calculated from the time interest is properly chargeable thereon to the time of such payment, together with the actual expenses theretofore incurred by any such town or township for the enforcement and payment of said taxes or assessments, and the collector of taxes, or other person authorized to receive the same, shall make and deliver to the person or persons making such payment a receipt therefor, and shall forthwith cancel the record of such tax or assessment; upon such payment, such tax or assessment shall cease to be a lien upon the real estate or property, and shall be deemed and taken to be fully paid, satisfied and discharged, and there shall be no right to any further interest or penalty by reason of such tax or assessment not having been paid within the time heretofore required by law, or by reason of any statute passed requiring the payment heretofore of any penalty or interest over seven per centum upon any unpaid tax or assessment; *provided, however,* that nothing in this act contained shall authorize the receipt under the provisions of this act of any such taxes or assessments in cases where lands and real estate have been sold for taxes or assessments, and bought in by any other person than the town or township in which said taxes and assessments are laid, or some officer for the use of such town or township, or where the certificate of sale to the town or township or its representatives shall have been assigned or sold to any other person, nor shall any lien upon real estate for such taxes or assessments be released or affected, nor shall any sale of any real estate for taxes or assessments, or the delivery of any certificate or declaration of sale or deed therefor be stayed by anything in this act contained, nor shall anything in this act apply in any township wherein the lands were sold for taxes under any law vesting the title in fee simple.

Proviso.

Repealer.

2. *And be it enacted,* That all acts and parts of acts inconsistent with this act, be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 25, 1885.

1895-121,700,202

1892-397

1898-65

CHAPTER CXXVIII.

An Act respecting police departments of cities, and regulating the tenure and terms of office of officers and men employed in said departments.

I. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in the several cities of the state, the officers and men employed by municipal authority in the police department of any city, shall severally hold their respective offices and continue in their respective employment as such municipal officers and employes during good behavior, efficiency and residence in such city, except where, by statute, the term of office of any such officer and employe is determined and fixed, and does not depend upon the pleasure of any municipal officer, officers or board authorized to make appointment or employment in said departments; and no person shall be removed from office or employment in the police department of any city, or from the police force of any city, for political reasons or for any other cause than incapacity, misconduct, non-residence or disobedience of just rules and regulations established, or which may be established for the police force or police department of such city; *provided*, that any member of the police force of any city who shall be absent from duty, without just cause for the term of five days, shall, at the expiration of said five days, cease to be a member of such police force.

Term of office of officers and members of police department.

Not to be removed for political reasons.

Proviso.

2. *And be it enacted*, That it shall be lawful, for the better government and discipline of the police departments in the cities of the state, for the municipal authority or authorities in any city, whose duty it is or may become, to provide for, regulate or manage a police department, in such city, from time to time to prescribe and establish just rules and regulations respecting such department.

Municipal authorities to prescribe rules for department.

3. *And be it enacted*, That each member and officer of the police force shall be a citizen of the United States and a resident citizen for two years of the city in which he is ap-

Qualifications of officers and members of police force.

pointed, able to read and write the English language understandingly, he must be of good moral character, of good health and sound body.

Certain persons
not to be ap-
pointed.

4. *And be it enacted*, That no person shall be appointed an officer or member of the police force in any city who has ever been convicted of a crime, who is less than twenty-one years or over forty-five years of age at the time of his appointment.

Not to be re-
moved without
just cause, &c.

5. *And be it enacted*, That no person whether officer or employe, in the police department of any city, shall be removed from office or employment therein, except for just cause, as provided in the first section of this act, then only after written charge or charges of the cause or causes of complaint shall have been preferred against any such officer or employe, signed by the person or persons making such charge or charges and filed in the office of the municipal officer, officers or board having charge of the department in which the complaint arises, and after the said charge or charges have been publicly examined into by the appropriate municipal board, officer or authority, upon such reasonable notice to the person charged, and in such manner of examination as the rules and regulations governing the same may prescribe, it being the intent of this act to give every person, against whom charges for any cause may be preferred under this act, a fair trial upon said charges, and every reasonable opportunity to make his defence, if any he has or chooses to make, and the officer, board or body having power to try such charges shall have power to issue writs of subpoena to compel the attendance of witnesses, which writs shall be served in the same manner as subpoenas issued out of the court for the trial of small causes, and every person who neglects or refuses to obey the command of such writ shall be liable to a penalty of twenty-five dollars to be sued for in the corporate name of the city in any court of competent jurisdiction, and the penalty when collected shall be paid into the poor fund of such city.

Repealer.

6. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 25, 1885.

CHAPTER CXXIX.

A Supplement to an act entitled "An act to authorize the incorporation of rural cemetery associations and to regulate cemeteries," (Revision) approved April ninth, one thousand eight hundred and seventy-five.

I. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every dead human body interred in any burying ground or cemetery within the limits of the state of New Jersey shall be buried so that the top of the outside coffin shall be at least four feet below the natural surface of the ground and shall be immediately covered with at least four feet of earth, soil or sand; excepting only the bodies of infants in boxes not more than four feet in length, which shall be so interred that the top of the outside box enclosing them, shall be at least three feet and six inches below the natural surface of the ground, and they shall be immediately covered with at least three feet and six inches of earth, soil or sand; *provided*, this shall not apply where bodies are placed or buried in properly constructed private vaults, so as to prevent the escape of noxious or unhealthy gases therefrom.

Bodies to be buried certain depth.

Provido.

2. *And be it enacted*, That no dead human body shall be disinterred or removed from any grave, tomb or burial place within the limits of this state between the first day of May and the first day of November, except by direction of a competent court of this state for the purpose of criminal investigation.

Not disinterred between certain periods.

3. *And be it enacted*, That no dead human body of any person who has died of small-pox or other contagious disease shall be disinterred or removed from any grave, tomb, vault or place of burial within the limits of this state at any time unless the said body was interred in a metallic case hermetically sealed, and then only by the order of and under the direction of the board of health within whose jurisdiction such body was buried.

Disinterment of bodies of persons dying of contagious disease.

How long body
may remain in
vault, &c.

Proviso.

Municipal au-
thorities or
board of health
may enter and
examine ceme-
tery.

Unlawful to
locate or enlarge
cemetery with-
out consent of
authorities or
board of health,
&c.

May apply to
state board of
health.

Proviso.

Proviso.

4. *And be it enacted*, That no dead human body shall be permitted to remain longer than forty-eight hours in any receiving vault in this state, the depth of which is less than five feet below the natural surface of the ground, between the first day of May and the first day of November; *provided*, this shall not apply to properly constructed receiving vaults which prevent the escape of noxious and unhealthy gases.

5. *And be it enacted*, That the municipal authorities or board of health of any city, town, township or borough in this state, or their properly authorized agent or agents, shall have the power and authority at all times to enter into and upon any cemetery or burying ground within the limits of said municipality and examine into the condition of the same, and ascertain whether the laws regulating it are duly observed.

6. *And be it enacted*, That it shall not be lawful to locate any new cemetery or burying ground, or to enlarge any cemetery or burying ground in this state without the consent and approval of the municipal authorities and board of health of the city, township, town or borough in which it is proposed to locate or enlarge said cemetery or burying ground upon application in writing for that purpose made; and in case of the refusal of the municipal authorities and local board of health to grant the same, then the person or persons making application, as aforesaid, may apply to the state board of health which shall have power to reverse the decision of the local authorities and grant the application; and in case the local authorities grant the permit to locate or enlarge any cemetery or burial ground and the same shall be deemed objectionable by the inhabitants of the city, town, township or borough where it is proposed to locate, then ten citizen freeholders thereof may apply to the state board of health which shall have power to reverse the decision of the local authorities and prohibit said location or enlargement; *and it is herein specially provided*, that all persons making application, as aforesaid, for the location or enlargement of any cemetery shall accompany the same with a descriptive map of the premises they propose to occupy, a copy of which shall be also filed in the office of the state board of health; *and provided further*, that nothing in this section contained shall apply to lands already

purchased by any duly organized cemetery company for burial purposes.

7. *And be it enacted*, That any person violating any of the foregoing provisions of this act, and any person in charge of, or exercising control over any cemetery or burial ground in this state, who shall knowingly permit or suffer such violation to be done, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punishable by a fine of not exceeding three hundred dollars, or imprisonment for six months, or both, in the discretion of the court. Penalty for violation of act.

8. *And be it enacted*, That whenever any cemetery or burial ground or part thereof, by reason of its location or the too great number of bodies interred therein, or for any other cause, is dangerous to the public health, and it is unadvisable that any further interments be made therein, any municipal authority within whose limits any such cemetery or burial ground is situated, or any state or local board of health, may file a bill in the court of chancery either in the name of the state on the relation of said complainant or otherwise, asking relief in the premises, and the procedure shall be according to the rules and practice of said court; and if it shall thereupon be determined by said court that any cemetery, burial ground, or any part thereof, for any of the reasons aforesaid is dangerous to public health or that further interments therein would be unadvisable, then said court shall have the power and authority by injunction or otherwise, according to the practice of said court, to grant such relief as to said court shall seem proper and necessary for the protection of the public health. Proceedings when cemetery dangerous to public health.

9. *And be it enacted*, That in case said court shall determine that the complainant or complainants are not entitled to any relief in any proceeding that may be taken under section eight of this act, costs shall not be awarded as of course against said complainant, but only in case it shall appear to the chancellor that no probable cause existed for bringing such suit. When costs awarded.

10. *And be it enacted*, That all acts or parts of acts, inconsistent herewith, be and the same are hereby repealed, and that this act shall be deemed a public act and take effect immediately. Repealer.

Approved March 25, 1885.

CHAPTER CXXX.

An Act to amend an act entitled "An act for the better protection of manufacturers and bottlers of and dealers in mineral waters, beer, ale, porter and other beverages," approved March eleventh, one thousand eight hundred and eighty-one.

Section
amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the third section of the act of which this is amendatory shall be and is hereby amended so as to read as follows:

Penalty for
using, selling or
injuring boxes
or bottles.

[3. *And be it enacted*, That any person or persons who shall so use, sell, dispose of, buy or traffic in, or who shall so mar, erase, break, destroy or otherwise injure or fill any such box or boxes, bottle or bottles as aforesaid, shall be liable to a penalty not to exceed the sum of fifty dollars, to be recovered by proceedings as hereinafter set forth, together with the legal costs of such proceedings; which penalty shall be for the use of the poor of the city, town or township wherein such offence shall be committed.]

Section
amended.

2. *And be it enacted*, That the seventh section of the act of which this is amendatory shall be and is hereby amended so as to read as follows:

Proceedings
against persons
violating pro-
visions of act.

[7. *And be it enacted*, That when any such person or persons as aforesaid shall be brought before any justice of the peace or such other magistrates upon a process issued as aforesaid, such person or persons shall enter into a recognizance with good security, to be approved by said justice, in the penalty of one hundred dollars to appear at such time as the said justice shall appoint for a hearing under said complaint, which hearing shall not be less than five or more than ten days from the day of said arrest, and may be adjourned by such justice from time to time on good and sufficient cause being shown therefor; and in default of such recognizance such person or persons may be committed by said justice to the county jail to abide a hearing, upon which

hearing the said justice shall proceed to hear and determine as to the truth of said complaint and the ownership of any such boxes or bottles which may be brought before him; and if said justice shall determine such person or persons guilty of the offence as charged in said complaint, he shall thereupon render judgment against such person or persons for an amount not to exceed the sum of fifty dollars, and all costs of such proceedings, and in default of payment thereof issue execution therefor against the goods and chattles and the body of such person or persons, and shall immediately deliver such boxes or bottles into the possession of such owner or owners to whom the same shall appear to belong.]

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 25, 1885.

CHAPTER CXXXI.

A Supplement to an act entitled "An act relative to the court of errors and appeals," (Revision) approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any party to any suit now or hereafter pending in the supreme court or in any circuit court of this state, aggrieved by reason of any order hereafter made by either of said courts, upon argument of a rule to show cause why a new trial of said cause shall not be had, being refused or granted, may appeal from the said order to the court of errors and appeals in the last resort in all causes.

Appeal from
supreme or circuit
court to
court of errors
and appeals
may be taken in
certain cases.

2. *And be it enacted*, That such appeal shall be taken within forty days after such order shall be made.

When appeal
taken.

3. *And be it enacted*, That all appeals taken under the provisions of this act shall be by way of re-hearing on the

How brought.

26 v 562

whole case and shall be brought by notice of appeal in a summary way and no petition or other formal proceedings other than such notice shall be necessary.

When court or judge to certify cases to court of errors and appeals.

4. *And be it enacted*, That upon producing before the court or the judge by whom the order appealed from may have been made acknowledgment or proof of service of such notice upon the appellee or his attorney, it shall be the duty of such court or judge to certify and send the whole case to the court of errors and appeals in all causes, and thereupon the cause shall be entered on the calendar of said court and shall be noticed and brought to a hearing and disposed of in accordance with the rules and practice of said court.

Appeal not to prevent entry of judgment, &c.

5. *And be it enacted*, That an appeal taken under this act shall not prevent the entry of judgment final and the issuing of execution thereon, but the appellant may, as of course, enter a rule of court, staying execution immediately after levy made until the appeal is disposed of.

Approved March 25, 1885.

CHAPTER CXXXII.

An act concerning unexpended balances of taxes collected in cities.

Lawful to carry forward unexpended balance of taxes, &c.

I. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the council or other legislative body of any city in this state to transfer and carry forward by ordinance any unexpended balance or balances of taxes that have been or may be levied in any city for any purpose, and appropriate the same to the payment in subsequent years of expenses for objects similar to those for which such taxes were levied, or to the payment of any expense or existing indebtedness for which the city is authorized to levy taxes; *provided*, that said ordinance shall state the amount so carried forward and the specific object or objects or fund to which the same is to be appropri-

Proviso.

CHAPTER CLII.

A Further Supplement to an act entitled "An act to authorize the formation of railroad corporations and regulate the same," approved April second, eighteen hundred and seventy-three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in addition to the powers granted under the act to which this is a supplement, any railroad company incorporated under the act to which this is a supplement and any supplements or amendments thereto, shall have power to construct its railroad so as to cross any portion of any street or highway in any municipality, the land for which portion has been taken for a street by condemnation under proceedings had under the charter of such municipality, and which portion of said street or highway has been, or at the time of the construction of said railroad shall have been laid on land which was under tide-water in the year eighteen hundred and sixty-four, when the first riparian act was passed; the right to cross such street or highway to be either on a level with the actual or established grade of such street or highway, or at such distance above or below such actual or established grade, as in the judgment of the municipal body or bodies hereinafter referred to may be best adapted to secure the safety of lives and property, or promote the interests of such municipality; *provided*, that the board of aldermen, common council, or other similar governing body in such municipality shall, by ordinance, authorize the construction of such railroad across the street or highway in such municipality, and make such provision or condition concerning the same as to such board of aldermen, common council or other similar governing body may seem fit, desirable and necessary; and whenever such permission shall be given, the said board of aldermen, common council, or other similar governing body shall have power, by like ordinance, to vacate the portion of such street

Company may
construct rail-
road over cer-
tain portion of
street or high-
way.

Proviso.

Proviso.

Proviso.

Repealer.

or highway crossed by said railroad as aforesaid, and such additional portion of such street or highway adjacent thereto as may lie between the next intersecting lines of public highways on either side of such part of said street so crossed by said railroad as aforesaid, or between the next intersecting line of a public highway on the one side and the end of said street nearest said railroad; *provided*, that any navigable basin or natural water-way, subject to the right of public navigation, shall be deemed and treated as a public highway for the purpose only of defining the limit of vacation under this act; *and provided, further*, that said railroad company shall pay to such municipality the actual amount expended by said city for all improvements of the part of the street so vacated, including the amount paid by such municipality for the land taken by such municipality under proceedings to condemn said land for a public street or highway, or such part of the amount so expended as has not been otherwise repaid to said municipality.

2. *And be it enacted*, That all acts and parts of acts, whether general or local or special, inconsistent herewith, be, and the same are hereby repealed, and this act shall take effect immediately.

Approved April 2, 1885.

CHAPTER CLIII.

An act concerning cities in this state, and authorizing the common council to fix the term and salary of certain officials therein.

Common council authorized to fix term of office of city attorney or counsel.

I. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any city of this state where the common council has by law the authority to appoint a city counsel or attorney, the said council may at the same time and in the same manner by which the said appointments are now made, fix the term of their said offices

not exceeding thirteen, to be trustees of the same; and such trustees when so elected, and their successors, shall have, hold and exercise the same powers and authority as such trustees and their successors, have, hold and exercise under the act to which this act is a supplement.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 25, 1885.

CHAPTER CXXXV.

An Act in relation to certain past due assessments.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That wherever any sewer or continuation of a sewer has been constructed through or in adjoining cities of this state, and an assessment for such improvement has been heretofore made, the board of finance and taxation or other board having control of the finances of any city or officer which is charged with the duty of collecting such assessments may make such adjustment and settlement of all interest and penalties of such assessment as such board, subject to the approval of the mayor of such city, may or shall deem proper.

Adjustment
and settlement
of assessments
for sewer im-
provement.

2. *And be it enacted*, That upon payment to the officer charged with the collection of such assessment in conformity with any such adjustment or settlement, he shall make and deliver to the person or persons making such payment a receipt therefor, and shall forthwith cancel the record of such assessment; upon such payment such assessment shall cease to be a lien upon the real estate whereon the same was assessed and shall be taken to be fully paid, satisfied and discharged; *provided*, that the provisions of this act shall not in any wise affect or impair the interest or lien of any purchaser other than such city or cities acquired under any sale for past due assessments.

When payment
made receipt to
be given and
record canceled.

Proviso.

Township clerk
to give public
notice of meet-
ing of commis-
sioners.

3. *And be it enacted*, That the township clerk shall immediately after the filing with him of the written designation aforesaid give public notice of the time and place and of the object of the meeting of the commissioners of appeal by posting written or printed notices thereof in at least six of the most public places in said township at least eight days prior to the time and place appointed for such meeting, and shall also cause to be served copies of such notices upon the owners of the property or any part thereof set forth on the said complaint, personally if resident in the township and if non-resident by mail, at least eight days prior to the time appointed for such meeting; *provided, however*, that no assessment made under the provisions of this act shall be held to be invalid or shall be set aside for or by reason of any mistake in the names of such owners.

Proviso.

Commissioners
empowered to
assess taxes.

4. *And be it enacted*, That at the time and place designated as aforesaid the commissioners of appeal shall meet and shall have and exercise all the powers conferred upon commissioners of appeal in and by the act entitled "An act concerning taxes," (Revision) approved April fourteenth, one thousand eight hundred and forty-six, and the several supplements thereto, and shall ascertain and determine whether or not the property mentioned and set forth in the complaint or any part thereof has been assessed for taxes, and if said commissioners shall determine that such property or any part thereof has not been assessed and that the same ought to have been assessed by the township assessor, then said commissioners shall make a just valuation and assessment of taxes of and upon such property, and shall file the same with the township collector.

Taxes to be a
lien, how col-
lected.

5. *And be it enacted*, That any tax levied, assessed or imposed as aforesaid shall be a lien upon the property upon which it is so levied assessed or imposed until paid, and such tax may be collected and the payment thereof enforced in the manner provided by law for the collection and enforcement of taxes.

6. *And be it enacted*, That this act shall take effect immediately.

Passed April 2, 1885.

production of any book, paper or document that may be proper, by imprisonment in the county jail of the county wherein such district court is established or by imposing a fine not exceeding fifty dollars, to be paid for the use of such city, or by both fine and imprisonment, and such person so adjudged guilty of contempt shall stand committed and remain in close custody until such subpoena or order shall be obeyed and performed and until the fine so imposed, with the costs of such proceedings, to be taxed by the judge of such district court, be fully paid, unless otherwise ordered by such judge; the attorney, court clerk and officer shall be entitled to the same fees as for like services in the court of common pleas, and any person who shall wilfully and corruptly testify falsely to any material matter upon oath or affirmation administered by such judge upon such proceedings, shall, upon conviction thereof, be subject to the penalties of perjury.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 25, 1885.

CHAPTER CXXXVII.

An Act to empower common councils of cities by ordinance to extend the time for transmitting annual estimates by other city boards.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act it shall be lawful for the common council of any city in this state, to whom any subordinate, co-ordinate, or other city board, is required by law to transmit annually estimates of current or other expenses for the approval of such common council, to extend by ordinance, for a period not exceeding two months the time for transmitting such estimates. Extension of time for transmitting estimates.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 25, 1885.

CHAPTER CXXXVIII.

An Act to provide for the purchase of furniture and appliances rendered necessary by the late fire in the state house, to provide for the care of the public documents and records, and to defray incidental expenses incurred on the occasion of the said fire.

Empowered to authorize the purchase of necessary furniture.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the governor, treasurer, comptroller and attorney-general of this state shall be and they are hereby empowered to authorize the immediate purchase of such furniture and appliances for the several departments of the state as have been rendered necessary by the late fire, and to defray such incidental expenses as were incurred on the occasion of the said fire, and were immediately consequent thereupon, and the necessary sums to make such purchases and defray such expenses are hereby appropriated, and the comptroller is authorized to draw his warrant for the same upon duly authenticated vouchers.

Authorized to assign offices and vaults.

2. *And be it enacted*, That the said officers shall have power and authority (after consultation with the several state officers and heads of departments) to assign to the use of the several officials, such rooms and offices and fire-proof vaults, whether in the present state house or elsewhere, as the said Governor, Treasurer, Comptroller and Attorney General shall deem necessary for the proper and efficient transaction of the business of the State, and for the safe care of the public books, documents and records.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 26, 1885.

CHAPTER CXXXIX.

An act for the support and improvement of the New Jersey School for Deaf Mutes.

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Trustees to submit quarterly report to governor.} *the State of New Jersey,* That it shall be the duty of the trustees of the New Jersey School for Deaf Mutes to submit a quarterly report to the governor of the state, dating from November first, one thousand eight hundred and eighty-four, showing the number of pupils taught and maintained in the school in each quarter, and a statement or estimate of the amount of money required to defray the expenses of tuition and maintainance of the said pupils, and upon the approval of the said report by the governor, there shall be ^{Amount paid for tuition and maintenance of each pupil.} paid to the said trustees, for such expenses, the sum or sums required, provided the same shall not exceed, for any three months, the sum of seventy dollars for each pupil taught and maintained within the said period ; the same to be paid out of the income of the school fund of this state, upon the warrant of the comptroller.

2. *And be it enacted,* That for the improvement of the ^{Appropriation for improvement of grounds, repairs, &c.} grounds of the said school, the needed repairs to the buildings and furniture, and the purchase of such furniture and school appliances as may, in the judgment of the trustees, be from time to time required, the further sum of five thousand dollars is hereby appropriated, the same to be paid as provided in the foregoing section, upon the requisition of the president of the board of trustees.

3. *And be it enacted,* That all acts and parts of acts inconsistent with this act, be and the same are hereby repealed and that this act shall take effect immediately.

Approved March 26, 1885.

CHAPTER CXL.

An Act relating to elections and appointments to office hereafter to be made by any board of aldermen, common council, township committee or other municipal board or body.

Members ineligible to election to office.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter no member of any board of aldermen, common council, township committee or other municipal board or body shall, during the term for which he shall have been elected such member shall be eligible for election or appointment to any office that is now or hereafter may be by law required to be filled by any such board, council, committee or body, of which he is such member; *provided, however*, that this act shall not apply to any offices now required by law to be filled from any such appointing body.

Proviso.

2. *And be it enacted*, That this act shall be deemed a public act and shall take effect immediately.

Approved March 31, 1885.

CHAPTER CXLI.

An Act for the construction of an act to establish a system of public instruction, (Revision) approved March twenty-seventh, eighteen hundred and seventy-four.

Act not to require township collector to pay over certain school moneys.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That nothing in the act entitled "An act to establish a system of public instruction," (Revision) approved March twenty-seventh, eighteen hundred

and seventy-four, shall be construed to require the township collector to pay over to the county collector any school moneys received by him from special township or district school taxes raised under the eighty-sixth section of said act.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 31, 1885.

CHAPTER CXLII.

A Further Supplement to an act entitled "An act relative to sales of lands under a public statute or by virtue of any judicial proceedings," (Revision) approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no sale of land heretofore made shall be invalidated by reason of the publication in a newspaper published on Sunday, of one of the two advertisements of such sale required by law to be published four weeks next before the time appointed for such sale in two newspapers printed and published in the county where the lands are situate; but such sale shall in all cases be held to be as valid and effectual as if both advertisements were made in newspapers published on week days; *provided*, that the advertisement of such sale shall have been in other respects according to law.

Sale not invalidated by publication of advertisement in Sunday newspapers.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 31, 1885.

Proviso.

CHAPTER CXLIII.

An Act to amend an act entitled "An act in relation to county expenditures," approved April second, one thousand eight hundred and seventy-eight.

Section amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the fourth section of an act entitled "An act in relation to county expenditures," approved April second, one thousand eight hundred and seventy-eight, be and the same is amended so as to read as follows:

Board of freeholders may make temporary loans in anticipation of collection of taxes.

[4. *And be it enacted*, That it shall be lawful for any board of chosen freeholders to make temporary loans in anticipation of the collection of the taxes of any current fiscal year, such loans not in any case to exceed three-fourths of the amount of the appropriations for the said current fiscal year, and said loans may be made for such time as may be deemed reasonable and prudent, and the same may be renewed from time to time until the taxes in anticipation of the collection of which such temporary loans were made are received by the county collector; *provided*, that when any such temporary loans shall be renewed, all arrearages of taxes thereafter received by the county collector for the year in anticipation of the taxes of which said loans shall have been made, shall be held by the county collector and by him applied to the payment of such loan or loans.]

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 31, 1885.

CHAPTER CXLIV.

A Supplement to an act entitled "An act to authorize cities to order and regulate the construction of sidewalks, and to provide for the payment of the expense thereof," approved May tenth, one thousand eight hundred and eighty-four.

I. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in addition to the provisions of the act to which this is a supplement, and the powers and authority therein and thereby given, it shall and may be lawful for the authorities in such cities to place the assessments made against any property improved in the manner specified in said act in the annual tax bills rendered to the owner or owners of such property; and the same may be collected in the same manner and by the same officers as taxes are or may be collected in such cities; and it shall and may be lawful to anticipate the collection of assessments made for such improvements by temporary or other loans, in the same manner and to the same extent as is now lawful or may hereafter be lawful to anticipate the collection of taxes in such city or cities.

Lawful for authorities to place assessments on property improved in annual tax bill.

Passed March 31, 1885.

CHAPTER CXLV.

A Supplement to an act entitled "An act for the preservation of fish," approved April thirteenth, one thousand eight hundred and seventy-six.

I. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section four of said act shall be amended to read as follows:

Section amended.

Fish commis-
sioners to ap-
point fish
wardens.

[4. *And be it enacted*, That the fish commissioners of this state shall appoint the fish wardens required by this act, and the said fish wardens so appointed shall be subject to the orders, rules and regulations adopted by the fish commissioners of this state.]

2. *And be it enacted*, That this act shall take effect immediately.

Passed March 31, 1885.

CHAPTER CXLVI.

An Act concerning cities.

Lawful for city
to issue bonds
for certain pur-
poses.

I. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any city in this state where work has heretofore been done and materials furnished for the city in accordance with the terms of a written contract legally entered into and the same have not been fully paid for at the contract price, for such city by and through the board having supervision and control of the finances of such city to issue registered or coupon bonds in the corporate name of such city in the form now prescribed in such city, to bear interest at a rate not to exceed five per centum per annum, and deliver the same at not less than their par value to such person or corporation to whom payment may be due or become due for such work and materials, or for an adjusted amount, or on an account stated between the city and such person or corporation and in full satisfaction of the same; said bonds to be issued in such instalments and for the respective terms of years not to exceed five years as said board may by resolution determine; *provided*, that the principal sum of said bonds shall not exceed in the whole an amount in excess of the money due and to become due the said person or corporation by the terms of such contract; *and provided further*, that no bond be issued or delivered unless authorized by a resolution adopted by a unanimous vote of said board, to be approved of by the mayor of said city.

Provido.

Provido.

not exceeding thirteen, to be trustees of the same; and such trustees when so elected, and their successors, shall have, hold and exercise the same powers and authority as such trustees and their successors, have, hold and exercise under the act to which this act is a supplement.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 25, 1885.

CHAPTER CXXXV.

An Act in relation to certain past due assessments.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That wherever any sewer or continuation of a sewer has been constructed through or in adjoining cities of this state, and an assessment for such improvement has been heretofore made, the board of finance and taxation or other board having control of the finances of any city or officer which is charged with the duty of collecting such assessments may make such adjustment and settlement of all interest and penalties of such assessment as such board, subject to the approval of the mayor of such city, may or shall deem proper.

Adjustment
and settlement
of assessments
for sewer im-
provement.

2. *And be it enacted*, That upon payment to the officer charged with the collection of such assessment in conformity with any such adjustment or settlement, he shall make and deliver to the person or persons making such payment a receipt therefor, and shall forthwith cancel the record of such assessment; upon such payment such assessment shall cease to be a lien upon the real estate whereon the same was assessed and shall be taken to be fully paid, satisfied and discharged; *provided*, that the provisions of this act shall not in any wise affect or impair the interest or lien of any purchaser other than such city or cities acquired under any sale for past due assessments.

When payment
made receipt to
be given and
record canceled.

Proviso.

tracted during the time of his active service on the police force.

2. *And be it enacted*, That this act shall take effect immediately.

Passed March 31, 1885.

CHAPTER CXLVIII.

An Act providing for the support of the state industrial school for girls.

Appropriation
for support of
school.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the support and maintenance of the state industrial school for girls and for necessary repairs, the sum of five thousand dollars be and is hereby appropriated, and that the state treasurer is directed to pay the same on the warrant of the comptroller.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 31, 1885.

CHAPTER CXLIX.

An Act to amend an act entitled "A supplement to an act entitled 'An act for the support of the New Jersey State Reform School for Boys,'" approved March thirty-first, eighteen hundred and eighty-two, which said supplement was approved May fifth, eighteen hundred and eighty-four.

Preamble.

WHEREAS, By reason of the enactment by the legislature of the state of New Jersey of a law entitled "An act to provide for the employment of the inmates of any prison,

penitentiary, jail or public reformatory institution located within this state," approved April eighteenth, eighteen hundred and eighty-four, the revenue derived from industries by the trustees of the New Jersey State Reform School previous to the enactment of said law, and which was necessary for the maintenance of the same, has been diverted from said trustees, and is required by said law to be paid into the treasury of the state, by means whereof the said trustees are left without adequate provision by law for the proper and necessary maintenance of said school; therefore

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the trustees of the New Jersey State Reform School to make and submit a report to the governor of the state at the expiration of every three months, dating from January first, anno domini one thousand eight hundred and eighty-five, showing the average number of boys maintained in the school during such period, which said report shall be duly certified by the president and attested by the secretary of the board; and in order to support the said school the treasurer of this state shall pay out of any moneys in the treasury not otherwise appropriated, to the treasurer of the New Jersey State Reform School, such a sum as shall be considered necessary by the trustees and approved by the governor of this state, for the maintenance of said school for the succeeding three months, such sum not to exceed the maximum sum of thirty-seven dollars and fifty cents for each boy maintained in said school, which said sum shall be based on the average number of inmates for the last preceding quarter, such sum to be paid upon a warrant of the comptroller.

Trustees required to make quarterly report to Governor. -

Sum to be paid for maintenance of each inmate.

2. *And be it enacted*, That all acts and parts of acts inconsistent with this act be and the same are hereby repealed.

Repealer.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 31, 1885.

CHAPTER CL.

An Act to amend an act entitled "An act respecting conveyances," (Revision) approved March twenty-seventh, eighteen hundred and seventy-four.

Section
amended.

I. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section forty-one of an act entitled "An act respecting conveyances," (Revision) approved March twenty-seventh, one thousand eight hundred and seventy-four, be and the same is hereby amended to read as follows :

Commissioners
of deeds for
other states,
how appointed,
&c.

[41. That the governor of this state be and he hereby is authorized to appoint and commission such number of commissioners in each of the states and territories of the United States and in the District of Columbia as he may deem expedient and where such appointment shall not be incompatible with the laws of such state, territory or district where such commissioner shall reside ; which commissioners shall be called and denominated "foreign commissioners of deeds for New Jersey," and each of them shall have authority to take the acknowledgment or proof of any deed or conveyance, mortgage, defeasible deed, or other conveyance in nature of a mortgage, of any lands, tenements or hereditaments lying and being in this state, or any other instrument of writing under hand and seal required by the laws of this state to be acknowledged or proved ; and such acknowledgment or proof to be taken or made in the manner directed by the laws of this state and certified by the commissioner before whom the same shall be made, as by the law required, shall have the same force and effect and be as good and available in law, for all purposes, as if such acknowledgment or proof had been made in this state before one of the justices of the supreme court of this state.]

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 1, 1885.

CHAPTER CLI.

An Act to provide for boards of education in the cities of this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That on and after the first Monday in May after this act shall have been accepted by any city in this state as hereinafter provided, all powers and duties vested in or devolving on the board having charge of the public schools of said city previous to the said first Monday in May shall be vested in and devolve on a board to be designated a board of education, to consist of one member from each aldermanic district or ward in said city and one at large, said members to be appointed by the mayor, and the board previously having charge of the schools of such city shall thereupon cease to exist, and the terms of its members and of its clerk shall expire.

Boards of Education in cities, how constituted and appointed.

2. *And be it enacted*, That in making the first appointments to said board of education the mayor shall appoint as nearly as possible, one-half of the members for two years and the remaining members for one year, and thereafter each member shall be appointed and shall serve for two years and until his successor is appointed, unless removed by the mayor.

Term of office of members first appointed.

3. *And be it enacted*, That no more than a majority of the members of said board of education shall belong to the same political party.

Not more than majority to be of same political party.

4. *And be it enacted*, That the mayor shall at any time have the power to remove any member of said board of education for cause; *provided*, that the member to be removed shall receive two weeks' notice of such removal, with a written copy of the charges and cause, and on his formal demand, shall be entitled to a public hearing before the mayor.

Mayor empowered to make removals.

Proviso.

5. *And be it enacted*, That the board of aldermen or common council of any city may, by resolution, submit the question of the acceptance or rejection of this act to the voters of said city, at the first charter election held after the approval

Act may be submitted to voters of city for acceptance or rejection.

devolving upon or exercised by the board of control of said school, except the appointing of trustees, shall hereafter devolve upon and be exercised by the trustees of the New Jersey State Reform School.

How trustees appointed.

2. *And be it enacted*, That the legislature in joint meeting shall hereafter appoint the said trustees in accordance with the terms of the said act to which this a supplement; *provided, however*, that only three of said trustees shall at any time be members of the same political party.

Proviso.

Repealer.

3. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed, and that this act shall be deemed a public act and shall take effect immediately.

Passed April 4, 1885.

CHAPTER CLXIV.

An Act to appropriate a portion of the annual income of the fund for the support of free schools of this state to sundry purposes connected with the support of public free schools.

Annual appropriation for certain disbursements.

I. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That there shall be annually appropriated from the income or revenue of the fund for the support of public free schools of this state so much of the said income or revenue as shall be required to meet the following named disbursements, to wit:

State Normal School.

I. The annual sum of fifteen thousand dollars now required to be paid out of the state treasury for the support of the State Normal School, as provided by section sixty of "An act to establish a system of public instruction," (Revision) approved March twenty-seventh, one thousand eight hundred and seventy-four;

Scholarship fund.

II. The annual sum of five thousand dollars now required to be paid from the state treasury for a scholarship fund or

other purposes, as provided by section fifty-five of the above mentioned act ;

III. The annual sum required to be paid for the necessary repairs to the grounds, buildings and furniture of the State Normal School, for keeping the said building and furniture insured, and for the payment of the necessary incidental expenses incurred by the state superintendent of public instruction in the performance of his official duties, as provided by section two of the above mentioned act ;

Repairs to State Normal School and expenses of state superintendent.

IV. The annual sum required to pay necessary expenses of the members of the state board of education, as provided by section three of the above mentioned act ;

Expenses of members of state board of education,

V. The annual sum required to pay the salary of the state superintendent of public instruction, as provided by section five of the above mentioned act, and the supplements thereto ;

Salary of state superintendent.

VI. The annual sum required to defray the expenses of teachers' institutes, as provided by section seventy-six of the above mentioned act and the supplements thereto ;

Teachers institutes.

VII. The annual sum required to pay the appropriations to encourage the formation of libraries in the free public schools of the state, as provided by section nine of the above mentioned act and the supplements thereto ;

Formation of libraries.

VIII. The annual sum required to pay the expenses of the necessary assistant in the office of the state superintendent of public instruction, as provided by "An act to increase the efficiency of the department of public instruction," approved April fifth, one thousand eight hundred and seventy-eight ;

Assistant in office of state superintendent.

IX. The annual sum required to pay the appropriation for the support of the Farnum Preparatory School at Beverly, as provided by "An act making an appropriation for the support of the Farnum Preparatory School," approved March twentieth, one thousand eight hundred and fifty-seven.

Farnum Preparatory School at Beverly.

X. The annual sums required to pay the amount to be contributed by the state to any technical schools now established or hereafter to be established in this state, pursuant to the provisions of an act entitled "An act providing for the establishment of schools for industrial education," approved March twenty-fourth, one thousand eight hundred and eighty-one.

Technical schools.

Proviso.

Proviso.

Repealer.

or highway crossed by said railroad as aforesaid, and such additional portion of such street or highway adjacent thereto as may lie between the next intersecting lines of public highways on either side of such part of said street so crossed by said railroad as aforesaid, or between the next intersecting line of a public highway on the one side and the end of said street nearest said railroad; *provided*, that any navigable basin or natural water-way, subject to the right of public navigation, shall be deemed and treated as a public highway for the purpose only of defining the limit of vacation under this act; *and provided, further*, that said railroad company shall pay to such municipality the actual amount expended by said city for all improvements of the part of the street so vacated, including the amount paid by such municipality for the land taken by such municipality under proceedings to condemn said land for a public street or highway, or such part of the amount so expended as has not been otherwise repaid to said municipality.

2. *And be it enacted*, That all acts and parts of acts, whether general or local or special, inconsistent herewith, be, and the same are hereby repealed, and this act shall take effect immediately.

Approved April 2, 1885.

CHAPTER CLIII.

An act concerning cities in this state, and authorizing the common council to fix the term and salary of certain officials therein.

Common council authorized to fix term of office of city attorney or counsel.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any city of this state where the common council has by law the authority to appoint a city counsel or attorney, the said council may at the same time and in the same manner by which the said appointments are now made, fix the term of their said offices

at any period not exceeding five years, and when so appointed shall hold office for the term so fixed.

2. *And be it enacted*, That this act shall take effect immediately.

Passed April 2, 1885.

CHAPTER CLIV.

An act providing for the taxation of property in townships in this state in cases where the officers of the township have omitted or neglected to assess the same for taxes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where, in any township of this state, the assessor has neglected or omitted to assess for taxes for the current fiscal year of such township property in such township which is liable to taxation, and where the commissioners of appeal in cases of taxation have met and adjourned without having received complaint of any such neglect or omission, it shall be lawful for the township committee to file with the commissioners of appeal a complaint in writing setting forth the property so omitted or neglected to be assessed and the name or names of the owner or owners of such property, if known, and requesting such commissioners to convene and take such action thereon as may be authorized by this act or any other statute of this state.

Taxation of property in townships when assessors have neglected to make assessment.

2. *And be it enacted*, That within five days after receiving such complaint the said commissioners of appeal shall, by writing, under their hands, designate the time and place when and where the said commissioners will meet to consider the matters embraced in such complaint, said time to be not more than twenty days after the time of receiving such complaint, and shall, within the time aforesaid, file such written designation with the township clerk.

Commissioners to designate time for hearing complaint.

Township clerk
to give public
notice of meet-
ing of commis-
sioners.

3. *And be it enacted*, That the township clerk shall immediately after the filing with him of the written designation aforesaid give public notice of the time and place and of the object of the meeting of the commissioners of appeal by posting written or printed notices thereof in at least six of the most public places in said township at least eight days prior to the time and place appointed for such meeting, and shall also cause to be served copies of such notices upon the owners of the property or any part thereof set forth on the said complaint, personally if resident in the township and if non-resident by mail, at least eight days prior to the time appointed for such meeting ; *provided, however*, that no assessment made under the provisions of this act shall be held to be invalid or shall be set aside for or by reason of any mistake in the names of such owners.

Proviso.

Commissioners
empowered to
assess taxes.

4. *And be it enacted*, That at the time and place designated as aforesaid the commissioners of appeal shall meet and shall have and exercise all the powers conferred upon commissioners of appeal in and by the act entitled "An act concerning taxes," (Revision) approved April fourteenth, one thousand eight hundred and forty-six, and the several supplements thereto, and shall ascertain and determine whether or not the property mentioned and set forth in the complaint or any part thereof has been assessed for taxes, and if said commissioners shall determine that such property or any part thereof has not been assessed and that the same ought to have been assessed by the township assessor, then said commissioners shall make a just valuation and assessment of taxes of and upon such property, and shall file the same with the township collector.

Taxes to be a
lien, how col-
lected.

5. *And be it enacted*, That any tax levied, assessed or imposed as aforesaid shall be a lien upon the property upon which it is so levied assessed or imposed until paid, and such tax may be collected and the payment thereof enforced in the manner provided by law for the collection and enforcement of taxes.

6. *And be it enacted*, That this act shall take effect immediately.

Passed April 2, 1885.

CHAPTER CLV.

A Supplement to an act entitled "An act to provide for drainage and sewage in densely populated townships in which there is a public water supply," approved March fourth, one thousand eight hundred and eighty-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any township in this state in which the township committee is authorized by the act to which this is a supplement to provide for, obtain and cause to be constructed a system of sewerage and drainage, it shall be lawful for the township committee, in case they deem such method of procedure advisable, to provide for, obtain and cause to be constructed from time to time such sewer or sewers, and drain or drains in said township or any part thereof, as they may designate in the ordinance and ordinances which the said committee may for that purpose adopt and pass. Township committee may provide for construction of sewers and drains.

2. *And be it enacted*, That in case the township committee shall be of the opinion that the construction of any sewer or drain will be of local and peculiar benefit to the property in the vicinity thereof, they may apply to the circuit court of the county in which said township is situate, and on application in writing made by, or on behalf of such township committee, and after notice of the time and place of making such application, published at least ten days previously thereto in some newspaper circulating in the said county, the circuit court may appoint three disinterested commissioners who shall make an estimate and assessment of the benefits that any lands and all real estate in the vicinity of the line of such sewer or drain will receive by the making and construction thereof; if any of said commissioners die or refuse to act, the said court shall immediately make appointment of a proper person to fill any vacancy so created; the said commissioners shall be sworn to make a just and Proceedings when committee deem construction of sewer beneficial to property in vicinity.

CHAPTER CLXVIII.

A General Act relating to factories and workshops and the employment, safety, health and work hours of operatives.

Penalty for discharging employes without notice.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any person or corporation engaged in manufacturing which requires from persons in his or its employ, under penalty of forfeiture of a part of the wages earned by them, a notice of intention to leave such employ shall be liable to the payment of a like forfeiture if he or it discharges without similar notice a person in such employ, unless in case of a general suspension of labor in his or its shop or factory.

Accidents resulting in death to be reported.

2. *And be it enacted*, That all accidents in workshops, factories or mines which result in death, shall be reported at once by the occupier to the inspector of workshops at Trenton, and the city or district physician where one is employed as such, which notice may be given by mail.

Machinery dangerous to employes to be securely guarded.

3. *And be it enacted*, That the belting, shafting, gearing and drums in all factories and workshops when so placed as to be dangerous to persons employed therein while engaged in their ordinary duties, shall be securely guarded when practicable; if otherwise then a notice of its danger shall be conspicuously posted in the factory or workshop.

Minor or woman not required to clean machinery, &c., while in motion.

4. *And be it enacted*, That no minor, under eighteen years of age, or woman, shall be required to clean any part of the mill gearing or machinery in any factory or workshop while the same is in motion or work between the fixed or traversing part of any machine while it is in motion by the action of steam, water or other mechanical power.

Openings of hatchways, &c. to be protected.

5. *And be it enacted*, That the openings of all hoistways, hatchways, elevators and well-holes upon every floor of a factory or mercantile or public building shall be protected by good and sufficient trap-doors or self-closing hatches and safety catches, or strong guard rails at least three feet high, and all due diligence shall be used to keep such trap-doors

closed at all times except when in actual use by the occupant of the building having the use and control of the same.

6. *And be it enacted*, That no explosive or inflammable compound shall be used in any factory in such place or manner as to obstruct or render hazardous the egress of operatives in case of fire. No explosive compound to be used in factory.

7. *And be it enacted*, That no minor under the age of sixteen shall be employed in any manufacturing, mercantile or mechanical establishment more than ten hours a day or sixty hours a week. Minor not to be employed more than ten hours a day.

8. *And be it enacted*, That suitable places shall be provided in all factories and workshops where girls or women are employed, where unclean work of any kind has to be performed, for such girls and women to wash and dress, and that stairs in use by female employees in all factories and workshops be properly screened. Places to be provided for female employees to wash, &c.

9. *And be it enacted*, That separate water closets be provided for the use of employees of either sex in all manufacturing, mercantile and mechanical establishments where persons of both sexes are employed. Separate water closets to be provided.

10. *And be it enacted*, That where the factories or workshops appear so overcrowded that in the opinion of the inspector of factories there is danger to health, the inspector shall have power, after being supported in their opinion by some reputable resident physician, to prohibit such overcrowding. Inspector empowered to prohibit overcrowding.

11. *And be it enacted*, That the inspectors of factories shall have power to order a fan or other mechanical means of proper construction, if practicable, for the purpose of preventing the inhalation of dust in establishments where any process is carried on by which dust is generated and inhaled by the workers to an injurious extent. Inspector may order fan to be constructed.

12. *And be it enacted*, That all factories and mines be ventilated so as to render harmless all impurities as near as may be. Factories, &c., to be ventilated.

13. *And be it enacted*, That no cellar, room or place shall be occupied as a bakehouse which is less than one-half of its height above the level of the street, footway or ground adjoining the same, unless the following regulations are complied with: First, no water closet, earth closet, privy or ash pit shall be within or communicate directly with the bakehouse; second, no drain or pipe for carrying off sewage or other impure matter shall have an opening within a bake- When cellar, room, &c. of certain height may be used for bakehouse.

house, unless such drain or pipe be trapped with a six-inch water seal both within and without the wall of the bakehouse, and have a ventilating pipe of one-half the size of drain pipe between the wall and the outer trap, and which ventilating pipe shall run two feet above the roof of building.

Sleeping places
of employes of
bakehouses.

14. *And be it enacted*, That the sleeping places for workmen and others employed in bakehouses shall be separate and distinct from the places used for the making of bread.

Penalty for vio-
lating provis-
ions of act, how
recovered, &c.

15. *And be it enacted*, That any person or corporation, being the owner, lessee or occupant of any manufacturing establishment, factory, mine, work shop or store, or owning or controlling the use of any building or room, shall for the wilful violation of any provision of this act, except sections one and two, be liable to a penalty of fifty dollars for each offence to be recovered in an action of debt in any district court in any city or before any justice of the peace having due jurisdiction, and that any employe who shall be guilty of any violation of the provisions of this act, shall be liable in a like action to a penalty of fifty dollars, that such action shall be prosecuted by and in the name of the inspector of factories; the trial shall proceed as other actions of debt, and the first process shall be a summons returnable in not less than five days or more than ten after issue, and it shall not be necessary to endorse the same as in *qui tam* actions; the finding of the court shall be that the defendant has or has not, as the case may be, incurred the penalty claimed in the demand of the plaintiff and judgment shall be given accordingly; in case an execution shall issue and be returned unsatisfied, the court on application, after notice to the defendant, may award an execution to take the body of the defendant, and in case such a defendant is committed under such an execution, he shall not be discharged under the insolvent laws of the state, but shall only be discharged by the court making the order for the body execution, or one of the justices of the supreme court, when such court or justice shall be satisfied that further confinement will not accomplish the payment of the judgment and costs; *provided*, nothing herein shall subject any owner of a building or premises to any penalty unless he shall be the proprietor of the business conducted therein.

Proviso.

CHAPTER CLVII.

An Act amending "An act for the formation of borough commissions," approved March seventh, one thousand eight hundred and eighty-two.

I. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section four of the act to which this is a supplement be and the same is hereby amended so as to read as follows: Section amended.

[4. *And be it enacted*, That the legal voters of the said borough shall make and hold an election in said borough on the first Tuesday of April hereafter, at which election there shall be chosen, by a plurality of the votes cast, seven commissioners, who shall be freeholders or taxpayers on personal property, but a majority of whom shall be freeholders of the said borough, who shall be denominated the board of commissioners of the borough commission of _____, and by that name they and their successors in office may sue and be sued, make contracts and agreements, make regulations and ordinances, and impose penalties, not exceeding fifty dollars in amount, for the purpose of carrying out and effecting the objects and purposes of this act; *provided*, that nothing in this section shall be so construed as to prevent the election of two of the aforesaid commissioners who may reside beyond the limits of said borough.] Annual election of commissioners.

2. *And be it enacted*, That this act shall take effect immediately. Title, &c.

Passed April 2, 1885. Proviso.

CHAPTER CLVIII.

A Supplement to an act entitled "An act for the government and regulation of the state prison," approved April twenty-first, eighteen hundred and seventy-six.

Section
amended.

I. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the act to which this is a supplement, be and the same is hereby amended so as to read as follows :

Supervisor of
the state prison,
how appointed.

[I. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That there shall be appointed by the legislature in joint meeting, at the present session and every five years thereafter, a competent and suitable person to be supervisor of the state prison of this state, who shall be commissioned by the governor as state prison supervisor, and who shall hold office for five years and until his successor is chosen and appointed as aforesaid and qualified ; such supervisor shall receive an annual salary of three thousand dollars payable monthly upon the warrant of the comptroller ; he shall perform all the duties which are now or may hereafter be imposed by law upon the supervisor of the state prison ; he shall before entering upon the duties of his office take and subscribe, before a justice of the supreme court of this state, an oath that he will well and truly execute the office of state prison supervisor, and will well and faithfully discharge all the duties imposed upon him by law as such supervisor, and he shall give bond to the state of New Jersey, with not less than two sufficient sureties, to be approved by the board of inspectors of the said prison, or a majority thereof, and filed in the office of the secretary of state, in the sum of twenty-five thousand dollars, with condition that he will well and faithfully discharge all the duties imposed upon him by the laws of this state, and will well and faithfully use, account for, and pay over to the treasurer of the state, as may be required of him by law, all the moneys of the state

Term.

Salary.

Oath and bond.

Where filed.

which may be received by him as state prison supervisor of the state of New Jersey.]

2. *And be it enacted*, That section three of the act to which this is a supplement, be and the same is hereby amended so as to read as follows : Section amended.

[3. *And be it enacted*, That the principal keeper of said prison shall reside at said prison during the term of his office, and shall receive a salary of three thousand five hundred dollars per annum, and at that rate for a shorter period, to be paid monthly by the treasurer of this state, upon the warrant of the comptroller, and upon orders drawn on him by any two of the inspectors, together with his necessary fuel and light; and said keeper shall have power to appoint, subject to the approval of the board of inspectors, such assistant and deputies as may be necessary and proper to enable him to execute the duties of his office, which said deputies and assistants shall have such compensation and allowances as the said board of inspectors shall deem just and proper; which shall be paid by the treasurer monthly upon the warrant of the comptroller, and upon orders drawn by any two of said inspectors; but no assistant or deputy shall perform any duty or receive any compensation until his appointment shall have been approved by the inspectors or a majority of them; and the said keeper with the consent of the board of inspectors or a majority of them may dismiss any or all of the said deputies and assistants, and shall dismiss any of them when required so to do by the unanimous action of the said board; and before said keeper shall exercise any part of his office, he shall give bond to this state, with two sufficient sureties, to be approved by the treasurer of the state, in the sum of five thousand dollars, with the condition that he and his deputies shall well and faithfully perform the duties imposed on them by law; and said keeper, with his sureties, shall acknowledge the execution of said bond, or cause the same to be proved before the governor or one of the justices of the supreme court of this state, and shall then deliver the same to the secretary of state, who shall cause the same to be recorded and filed in his office; and copies of said record legally exemplified by said secretary, shall be legal evidence in all courts of this state, in any suit against said keeper, and his sureties, or any of them.] Keeper of the state prison, term of office, salary, &c.

Powers.

Bond.

Recorded and filed.

Repealer.

3. *And be it enacted*, That all acts and parts of acts inconsistent with this act, be and the same are hereby repealed, and this act shall take effect immediately.

Passed April 2, 1885.

CHAPTER CLIX.

Supplement to an act entitled "An act concerning the protection of the public health and the record of vital facts and statistics relating thereto," approved March eleventh, one thousand eight hundred and eighty, providing for the organization and reorganization of local boards of health and the appropriation of money therefor.

Section amended.

Boards of health, how constituted and appointed.

I. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section first of the act entitled "An act concerning the protection of the public health and the record of vital facts and statistics relating thereto," approved March eleventh, one thousand eight hundred and eighty, to which this is a supplement, shall be amended so as to read as follows: That every city, or borough or incorporated town, or any town governed by a commission, shall have a board of health of not less than five or more than seven members, of which the keeper or recorder of vital statistics, and also one city physician, and city health inspector shall be members, if there be such officer or officers; and the said board of health shall be nominated by the mayor and approved by the common council or other governing board of the city, borough or town, to serve for not less than three years, but not more than three of the number shall go out of office at any one time, unless in case of removal by death or change of residence. And hereafter in any nominations by the mayor and approved by the common council or other governing board of the city, borough or town, the term of office of the person or persons nominated shall be specified, in no case exceeding four years, the

same to accord with the provisions of this act; and in the first nomination not less than two shall be for one year, and two for two years, and in cities of over one hundred thousand inhabitants the board may consist of nine members if so formed at its organization.

2. *And be it enacted*, That section eleventh of the act entitled "An act concerning the protection of the public health and the record of vital facts and statistics relating thereto," approved March eleventh, one thousand eight hundred and eighty, to which this is a supplement, shall be amended so as to read as follows: That in case of any county having a county board of health or vital statistics, nothing in this bill shall change or modify their former power or jurisdiction, and they shall possess all the authority herein granted to city or township boards; and they shall yearly report to the state board of health as to the cities and townships of the county, in the same way as is required in counties where there is no county board of health; they shall be the sole power to make ordinances in relation to the public health and to carry out the provisions of the laws of this state in reference to the registration and returns of vital statistics in their respective counties. Nothing in this act shall relate to or affect any boards of health now organized in any of the cities of this state under the provisions of their respective charters unless such boards of health have been or shall be substituted or reorganized by vote or ordinance of the common council or other governing board of the city, borough or town, and if so substituted or reorganized in accord with the powers and intent of this act, said board of health shall possess all the powers conferred by this act and the supplements thereto, and by an act entitled "An act relating to local boards of health," approved March twenty-second, one thousand eight hundred and eighty-one, and the supplements thereto; and all powers given under the charter of said city, town or borough, to appoint a committee or board of health to exercise jurisdiction and care over the public health be and are hereby declared to be passed over to the board constituted under the acts named in the first and second sections of this act and the supplements thereto; any ordinance before adopted by said city on matters relating to the public health shall be and become the ordinances of said board of health and they shall have power to

Section amended.

Act not to affect powers of county boards of health, &c.

Nor boards organized in cities under charters, &c.

enforce the same and to alter or add thereto as in the judgment of said board the protection of the public health shall require, but all additions and alterations shall have not less than thirty days' notice and publication before being enforced, unless in such case as the state board of health shall declare a special emergency to exist, when said city board may enforce new health ordinances forthwith.

Boards to annually present outline of appropriation for year.

3. *And be it enacted*, That the city, town or borough board of health shall each year present to the common council or other governing board of the city, town or borough, a budget or outline of appropriations which it shall believe to be needed to be placed at the command of the board for health purposes, and if said estimate is not beyond a *pro rata* of five cents for each inhabitant as returned by the last preceding census, the same shall be allowed and as much in addition as the common council or other governing board of the city approves, and any want of surplus money may be provided for under an act entitled "An act to authorize cities to make additional appropriations for purposes of public health," which act was approved February thirteenth, one thousand eight hundred and eighty-three.

What to be allowed.

Boards may be re-organized.

4. *And be it enacted*, That the boards of health now organized in any of the cities, towns or boroughs of this state, under the provisions of their respective charters, as well as those which are only health committees, may, by ordinance of the common council and the approval of the mayor of said city, have their respective boards substituted or re-organized in accordance with the provisions of the acts aforesaid, and shall have power to make and enforce ordinances relating to the care of the public health.

Ex-officio members not entitled to vote on certain motions.

5. *And be it enacted*, That the *ex officio* members of local boards of health as formed under the act to which this is a supplement, shall not be entitled to vote on any motion that refers to their own appointment or discontinuance in either of the offices of city physician, sanitary inspector, or register of vital statistics, or to the amount allowed for their services in these respective positions, and that when after notification they are not present a majority of the other members of the board shall constitute a quorum.

Terms applicable.

6. *And be it enacted*, That the term city, town or borough, as used in the acts or act to which this act is a supplement, shall be applicable to all forms of incorporated

government in the state, including towns governed by a commission and seaside associations authorized by any special or general act in the laws of this state.

7. *And be it enacted*, That all acts or parts of acts inconsistent with this act be and are hereby repealed. Repealer.

8. *And be it enacted*, That this act shall take effect immediately.

Passed April 3, 1885.

CHAPTER CLX.

A Further Supplement to an act entitled "An act to establish and regulate pilots for the ports of Jersey City, Newark and Perth Amboy, by way of Sandy Hook," approved April seventeenth, eighteen hundred and forty-six.

I. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the act to which this is a supplement, be and the same is hereby amended so that the same shall read as follows, to wit: Section amended.

[I. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if the term of any of the commissioners of pilotage has expired or shall expire during the present session of the legislature, the successor of such commissioner shall be appointed by the senate and general assembly in joint meeting, and he shall hold his office for three years; and the successor of any commissioner of pilotage whose term shall expire after the adjournment of the present legislature shall be appointed in like manner; all of the commissioners whose terms have not expired or will not expire during the present session of the legislature shall hold their office until their successors are appointed, in the manner aforesaid; and in case any commissioner shall die or resign, or in any other way become disqualified to act, it shall be the duty of the said joint meeting, at its first meeting thereafter, to fill such vacancy, and the person so appointed to fill such vacancy shall hold his office for the like Appointment and term of office of commissioners of pilotage.

Powers.

term of three years; and the commissioners of pilotage, or a majority of them, shall be authorized, and full power and authority are hereby given to them, to permit, at their discretion, any person to act as a branch pilot off the bar of Sandy Hook, or of the river Raritan, or of the harbors of Jersey City, Newark or Perth Amboy, they having examined the said person, in the manner hereinafter mentioned, and made such inquiries respecting him and his qualifications as to them, the said commissioners, or a majority of them, shall appear necessary and expedient.]

2.* *And be it enacted*, That this act shall take effect immediately.

Passed April 4, 1885.

CHAPTER CLXI.

An Act to amend an act entitled "An act constituting district courts in certain cities in this state," (Revision) approved March ninth, eighteen hundred and seventy-seven.

Section amended.

I. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section number four of the act entitled "An act constituting district courts in certain cities in this state," (Revision) approved March ninth, eighteen hundred and seventy-seven, be amended so as to read as follows:

Election and term of office of judges of district court.

[4. *And be it enacted*, That the judges of said courts shall be elected by the legislature in joint meeting, and shall continue in office for five years and until the appointment of their successor, and that each judge now in office shall continue in office until the election of his successor, and this act shall not affect in any way the term of any district court judge now appointed and commissioned.]

Passed April 4, 1885.

CHAPTER CLXII.

A Supplement to an act entitled "An act to establish a State Industrial School for Girls," (Revision) approved April fourth, one thousand eight hundred and seventy-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all the powers and duties <sup>Powers devolv-
ing upon trust-
tees.</sup> now devolving upon or exercised by the board of control of said school, except the appointing of trustees, shall hereafter devolve upon and be exercised by "The Trustees of the New Jersey State Industrial School for Girls."

2. *And be it enacted*, That the legislature in joint meeting <sup>How trustees
appointed.</sup> shall hereafter appoint the said trustees in accordance with the terms of the said act to which this is a supplement; *provided, however*, that only three of said trustees, shall at ^{Proviso.} any time be members of the same political party.

3. *And be it enacted*, That all acts and parts of acts, in- ^{Repealer.} consistent with the provisions of this act, be and the same are hereby repealed, and that this act shall be deemed a public act and shall take effect immediately.

Passed April 4, 1885.

CHAPTER CLXIII.

A Supplement to an act entitled "An act to establish and organize the State Reform School for Juvenile Offenders," (Revision) approved April sixth, one thousand eight hundred and sixty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all the powers and duties <sup>Powers devolv-
ing upon trust-
tees.</sup> now

devolving upon or exercised by the board of control of said school, except the appointing of trustees, shall hereafter devolve upon and be exercised by the trustees of the New Jersey State Reform School.

How trustees
appointed.

2. *And be it enacted*, That the legislature in joint meeting shall hereafter appoint the said trustees in accordance with the terms of the said act to which this a supplement; *provided, however*, that only three of said trustees shall at any time be members of the same political party.

Proviso.

Repealer.

3. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed, and that this act shall be deemed a public act and shall take effect immediately.

Passed April 4, 1885.

CHAPTER CLXIV.

An Act to appropriate a portion of the annual income of the fund for the support of free schools of this state to sundry purposes connected with the support of public free schools.

Annual appro-
priation for cer-
tain disburse-
ments.

I. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That there shall be annually appropriated from the income or revenue of the fund for the support of public free schools of this state so much of the said income or revenue as shall be required to meet the following named disbursements, to wit:

State Normal
School.

I. The annual sum of fifteen thousand dollars now required to be paid out of the state treasury for the support of the State Normal School, as provided by section sixty of "An act to establish a system of public instruction," (Revision) approved March twenty-seventh, one thousand eight hundred and seventy-four;

Scholarship
fund.

II. The annual sum of five thousand dollars now required to be paid from the state treasury for a scholarship fund or

other purposes, as provided by section fifty-five of the above mentioned act ;

III. The annual sum required to be paid for the necessary repairs to the grounds, buildings and furniture of the State Normal School, for keeping the said building and furniture insured, and for the payment of the necessary incidental expenses incurred by the state superintendent of public instruction in the performance of his official duties, as provided by section two of the above mentioned act ;

Repairs to State Normal School and expenses of state superintendent.

IV. The annual sum required to pay necessary expenses of the members of the state board of education, as provided by section three of the above mentioned act ;

Expenses of members of state board of education,

V. The annual sum required to pay the salary of the state superintendent of public instruction, as provided by section five of the above mentioned act, and the supplements thereto ;

Salary of state superintendent.

VI. The annual sum required to defray the expenses of teachers' institutes, as provided by section seventy-six of the above mentioned act and the supplements thereto ;

Teachers institutes.

VII. The annual sum required to pay the appropriations to encourage the formation of libraries in the free public schools of the state, as provided by section nine of the above mentioned act and the supplements thereto ;

Formation of libraries.

VIII. The annual sum required to pay the expenses of the necessary assistant in the office of the state superintendent of public instruction, as provided by "An act to increase the efficiency of the department of public instruction," approved April fifth, one thousand eight hundred and seventy-eight ;

Assistant in office of state superintendent.

IX. The annual sum required to pay the appropriation for the support of the Farnum Preparatory School at Beverly, as provided by "An act making an appropriation for the support of the Farnum Preparatory School," approved March twentieth, one thousand eight hundred and fifty-seven.

Farnum Preparatory School at Beverly.

X. The annual sums required to pay the amount to be contributed by the state to any technical schools now established or hereafter to be established in this state, pursuant to the provisions of an act entitled "An act providing for the establishment of schools for industrial education," approved March twenty-fourth, one thousand eight hundred and eighty-one.

Technical schools.

Taxed costs in
foreclosure pro-
ceedings of
property of
school fund.

XI. The annual sum required to pay the taxed costs attending foreclosure proceedings in the case of lands and premises bought by the trustees for the support of public schools, to save the amount due upon mortgaged encumbrances held by them, as provided by section one of "A supplement to the act entitled 'An act to establish a system of public instruction,' approved March twenty-seventh, one thousand eight hundred and seventy-four," which supplement was approved April ninth, one thousand eight hundred and seventy-five.

Expenses incur-
red under direc-
tion of trustees
of school fund.

XII. The annual sum required to defray such necessary legal and other expenses as may be incurred by or under the direction of the trustees for the support of public schools in the investment and protection of the school fund, and in the collection of the income thereof; *provided*, that such expenses before being paid, shall be approved by the board or by the president thereof.

Proviso.

Appropriations
to be paid from
income of school
fund.

2. *And be it enacted*, That the comptroller is hereby directed to draw his warrants upon the treasurer of the school fund for the above mentioned appropriations and expenditures when they shall severally become due and payable, and the said treasurer is directed to pay the same out of any moneys now in his hands or which may come to his hands as income or revenue from the investments of the school fund, from rentals on leases of lands under water, or from grants of lands under water; *provided*, that nothing in this act shall be construed to authorize the expenditure of any portion of the principal of the said school fund; *and provided further*, that nothing in this act shall be so construed as to prevent, hinder or in any way interfere with the payment of the annual appropriation of one hundred thousand dollars towards the support of public schools out of the income of the said fund as now provided by law.

Proviso.

Proviso.

If income of
school fund in-
sufficient
balance paid
from state
treasury.

3. *And be it enacted*, That if at any time the payments hereby authorized to be made from the income of the school fund shall become due and payable, the said income shall not have been collected to a sufficient amount to meet the required payments, the necessary sum shall be drawn from the state treasury, upon the warrant of the comptroller.

Repealer.

4. *And be it enacted*, That all acts and parts of acts inconsistent with this act, be and the same are hereby repealed, and this act shall take effect immediately.

Approved April 4, 1885.

CHAPTER CLXV.

A Supplement to "An act relative to the court of errors and appeals," (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four.

I. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no party to any suit now or hereafter pending in the supreme court of this state shall have or be entitled to an appeal to the court of errors and appeals in the last resort in all causes, from any order hereafter made by said court upon argument of a rule to show cause why a new trial of said cause shall not be had discharging or making absolute said rule. Not entitled to appeal from certain order of supreme court.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 7, 1885.

CHAPTER CLXVI.

An Act to amend an act entitled "A further supplement to an act entitled 'An act to provide for the organization of the State Lunatic Asylum, and for the care and maintenance of the insane,' approved February twenty-third, eighteen hundred and forty-seven," which said supplement was approved March first, eighteen hundred and fifty.

I. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of an act entitled "A further supplement to 'An act to provide for the organi-
Section amended.

zation of the State Lunatic Asylum, and for the care and maintenance of the insane,' approved February twenty-third, eighteen hundred and forty-seven," which said supplement was approved March first, eighteen hundred and fifty, be and the same is hereby amended so as to read as follows :

What necessary
to obtain admit-
tance to asylum

[1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no person shall be admitted into the asylum as a patient except upon an order of some court or judge authorized to send patients, without lodging with the superintendent : first, a request, under the hand of the person by whose direction he is sent, stating his age and place of nativity, if known, his christian and surname, place of residence, occupation and degree of relationship, or other circumstance of connection between him and the person requesting his admission ; and, second, a certificate, dated within one month, under oath, signed by two reputable physicians, of the fact of his being insane ; each person signing such request or certificate shall annex to his name his profession or occupation, and the township, county and state of his residence, unless these facts appear on the face of the document.]

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 7, 1885.

CHAPTER CLXVII.

A Supplement to an act entitled "An act relative to public printing," approved March twenty-third, one thousand eight hundred and eighty-three.

Section
amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section four of the act to which this is amendatory shall be so amended as to read :

Advertisement
for proposals for
printing blanks
and furnishing
stationery.

[4. *And be it enacted*, That it shall be the duty of the comptroller to advertise in like manner, during the month of May of each year, for proposals for printing all blanks and fur-

nishing all stationery required for the use of the several departments and public offices of the state government for the ensuing year, in accordance with forms and samples to be submitted by him; said proposals to be asked for not as a whole, but the stationery proposals to be made separate and distinct from the proposals for blanks, and the samples and specifications for each of the two proposals to be separately shown in the comptroller's office and separate contracts to be made therefor; and it shall be the duty of the head of each department and public office of the state government, in the month of April in each year, to furnish the comptroller with a statement of the amount and kind of stationery, and with samples of such blanks as will be needed by their respective departments.]

2. *And be it enacted*, That section six of the act to which this is amendatory shall be so amended as to read : Section amended.

[6. *And be it enacted*, That it shall be the duty of the comptroller, upon receipt of said proposals, to publicly open the same in the presence of the governor in the executive chamber, and to contract for the said printing and stationery, with the approval of the governor, upon the most advantageous terms that may be offered, which proposals shall remain of record in his office; and if, upon the day and hour fixed for the opening of said proposals, the governor is unable to be present, the comptroller shall open the same publicly in his office, and the contract shall be subsequently awarded by him, with the approval of the governor, as previously stated.] Bids to be opened and contract awarded.

3. *And be it enacted*, That this act shall take effect immediately.

Approved April 7, 1885.

CHAPTER CLXVIII.

A General Act relating to factories and workshops and the employment, safety, health and work hours of operatives.

Penalty for discharging employes without notice.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any person or corporation engaged in manufacturing which requires from persons in his or its employ, under penalty of forfeiture of a part of the wages earned by them, a notice of intention to leave such employ shall be liable to the payment of a like forfeiture if he or it discharges without similar notice a person in such employ, unless in case of a general suspension of labor in his or its shop or factory.

Accidents resulting in death to be reported.

2. *And be it enacted*, That all accidents in workshops, factories or mines which result in death, shall be reported at once by the occupier to the inspector of workshops at Trenton, and the city or district physician where one is employed as such, which notice may be given by mail.

Machinery dangerous to employes to be securely guarded.

3. *And be it enacted*, That the belting, shafting, gearing and drums in all factories and workshops when so placed as to be dangerous to persons employed therein while engaged in their ordinary duties, shall be securely guarded when practicable; if otherwise then a notice of its danger shall be conspicuously posted in the factory or workshop.

Minor or woman not required to clean machinery, &c., while in motion.

4. *And be it enacted*, That no minor, under eighteen years of age, or woman, shall be required to clean any part of the mill gearing or machinery in any factory or workshop while the same is in motion or work between the fixed or traversing part of any machine while it is in motion by the action of steam, water or other mechanical power.

Openings of hatchways, &c. to be protected.

5. *And be it enacted*, That the openings of all hoistways, hatchways, elevators and well-holes upon every floor of a factory or mercantile or public building shall be protected by good and sufficient trap-doors or self-closing hatches and safety catches, or strong guard rails at least three feet high, and all due diligence shall be used to keep such trap-doors

closed at all times except when in actual use by the occupant of the building having the use and control of the same.

6. *And be it enacted*, That no explosive or inflammable compound shall be used in any factory in such place or manner as to obstruct or render hazardous the egress of operatives in case of fire. No explosive compound to be used in factory.

7. *And be it enacted*, That no minor under the age of sixteen shall be employed in any manufacturing, mercantile or mechanical establishment more than ten hours a day or sixty hours a week. Minor not to be employed more than ten hours a day.

8. *And be it enacted*, That suitable places shall be provided in all factories and workshops where girls or women are employed, where unclean work of any kind has to be performed, for such girls and women to wash and dress, and that stairs in use by female employes in all factories and workshops be properly screened. Places to be provided for female employes to wash, &c.

9. *And be it enacted*, That separate water closets be provided for the use of employes of either sex in all manufacturing, mercantile and mechanical establishments where persons of both sexes are employed. Separate water closets to be provided.

10. *And be it enacted*, That where the factories or workshops appear so overcrowded that in the opinion of the inspector of factories there is danger to health, the inspector shall have power, after being supported in their opinion by some reputable resident physician, to prohibit such overcrowding. Inspector empowered to prohibit overcrowding.

11. *And be it enacted*, That the inspectors of factories shall have power to order a fan or other mechanical means of proper construction, if practicable, for the purpose of preventing the inhalation of dust in establishments where any process is carried on by which dust is generated and inhaled by the workers to an injurious extent. Inspector may order fan to be constructed.

12. *And be it enacted*, That all factories and mines be ventilated so as to render harmless all impurities as near as may be. Factories, &c., to be ventilated.

13. *And be it enacted*, That no cellar, room or place shall be occupied as a bakehouse which is less than one-half of its height above the level of the street, footway or ground adjoining the same, unless the following regulations are complied with: First, no water closet, earth closet, privy or ash pit shall be within or communicate directly with the bakehouse; second, no drain or pipe for carrying off sewage or other impure matter shall have an opening within a bake- When cellar, room, &c. of certain height may be used for bakehouse.

house, unless such drain or pipe be trapped with a six-inch water seal both within and without the wall of the bakehouse, and have a ventilating pipe of one-half the size of drain pipe between the wall and the outer trap, and which ventilating pipe shall run two feet above the roof of building.

Sleeping places
of employes of
bakehouses.

14. *And be it enacted*, That the sleeping places for workmen and others employed in bakehouses shall be separate and distinct from the places used for the making of bread.

Penalty for vio-
lating provis-
ions of act, how
recovered, &c.

15. *And be it enacted*, That any person or corporation, being the owner, lessee or occupant of any manufacturing establishment, factory, mine, work shop or store, or owning or controlling the use of any building or room, shall for the wilful violation of any provision of this act, except sections one and two, be liable to a penalty of fifty dollars for each offence to be recovered in an action of debt in any district court in any city or before any justice of the peace having due jurisdiction, and that any employe who shall be guilty of any violation of the provisions of this act, shall be liable in a like action to a penalty of fifty dollars, that such action shall be prosecuted by and in the name of the inspector of factories; the trial shall proceed as other actions of debt, and the first process shall be a summons returnable in not less than five days or more than ten after issue, and it shall not be necessary to endorse the same as in *qui tam* actions; the finding of the court shall be that the defendant has or has not, as the case may be, incurred the penalty claimed in the demand of the plaintiff and judgment shall be given accordingly; in case an execution shall issue and be returned unsatisfied, the court on application, after notice to the defendant, may award an execution to take the body of the defendant, and in case such a defendant is committed under such an execution, he shall not be discharged under the insolvent laws of the state, but shall only be discharged by the court making the order for the body execution, or one of the justices of the supreme court, when such court or justice shall be satisfied that further confinement will not accomplish the payment of the judgment and costs; *provided*, nothing herein shall subject any owner of a building or premises to any penalty unless he shall be the proprietor of the business conducted therein.

Proviso.

16. *And be it enacted*, That all acts or parts of acts inconsistent with the provisions of this act be and are hereby repealed. Repealer.

Approved April 7, 1885.

CHAPTER CLXIX.

A Supplement to an act entitled "A further supplement to the act entitled 'An act to provide additional accommodations for the insane of this state,' approved March thirty-first, eighteen hundred and seventy-one," approved April thirteenth, eighteen hundred and seventy-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the managers of the State Asylum for the Insane at Morristown, New Jersey, shall have power, and it is hereby declared to be the duty of said managers, to appoint a medical director of said asylum and so many assistant physicians as they may deem necessary, all of whom shall be subject to the rules, regulations and by-laws prescribed from time to time by said managers for the control and good government of said asylum. Managers to appoint medical director and assistant physician.

2. *And be it enacted*, That the medical director so appointed shall have charge, direction and control of all the patients and of all persons engaged in the care of patients in the asylum, with the powers and subject to the rules, regulations and by-laws prescribed, or hereafter to be prescribed and established, by the said managers; and he shall perform all such duties as shall be assigned to him by said managers; *provided*, they shall not assign to him any duty which does not relate to the care, management and treatment of patients, the direction and control of assistant physicians, nurses and attendants of patients. Duties of medical directors.

3. *And be it enacted*, That the said managers are empowered, and it is hereby declared to be their duty, to appoint a steward or warden of said asylum, who shall be the general manager of the asylum buildings, grounds and farm, with Managers to appoint a steward or warden.

- the furniture, fixtures and stock thereto belonging, and shall perform such other duties as shall be assigned to him by said managers, subject to the by-laws, rules and regulations prescribed, or hereafter to be prescribed, by said managers; and before entering upon the duties of his office he shall execute
- Duties of** a bond to the state of New Jersey with sufficient sureties, to be approved by said managers, in such penal sum not less than three thousand dollars, as said managers may from time to time require, conditioned that he shall and will faithfully perform the duties of his office, and pay over and account for all moneys, goods and chattels belonging to said asylum that shall come into his hands or custody, which bond shall be recorded in a book to be provided for that purpose and kept in the office of said managers in said asylum; and thereupon said bond shall be filed in the office of the secretary of state and recorded in the same manner as the official bonds of other state officers; *provided, nevertheless*, that the person who is now acting as steward of said asylum, shall continue to perform the duties of said office of steward or warden under this act until removed, or a successor is appointed by the managers of said asylum.
- To give bond.**
- Proviso.**
- Steward to make annual estimate of amount required for maintenance of asylum.**
4. *And be it enacted*, That it shall be the duty of said steward or warden annually to make an approximate estimate and detailed statement in writing of the amounts of money required for the support and maintenance of said asylum, and of the amount required from the state, including all salaries and supplies of every kind for the next ensuing fiscal year beginning on the first day of November next, and to submit the same to said managers, on or before the first Thursday of October of each year, and said managers shall annex the same to their annual report with such comments thereon as they may deem advisable.
- Managers to appoint an expert accountant.**
5. *And be it enacted*, That it shall be the duty of said managers to appoint an expert accountant or book-keeper, and such assistant accountants and book-keepers as may be necessary to keep full and accurate accounts of all business transactions in any way connected with said asylum.
- Store keeper to be appointed.**
6. *And be it enacted*, That it shall be the duty of said managers to appoint a store keeper for said asylum who shall receipt for and be charged with all supplies furnished to said asylum, and he shall take vouchers for all supplies by him distributed, and he shall perform such other duties as may

be assigned to him by said managers, subject to such rules, regulations and by-laws as said managers may from time to time prescribe.

7. *And be it enacted*, That the by-laws prescribed, or which By-laws of managers obligatory on officers and employees, may hereafter be prescribed by said managers, shall be obligatory on all officers and agents of said asylum, and such by-laws shall not be suspended, altered or repealed, except at a regular meeting of said board of managers and by the consent of a majority of all the members of said board.

8. *And be it enacted*, That all acts and parts of acts inconsistent with this act are hereby repealed, and that this act shall take effect immediately. Repealer.

Approved April 7, 1885.

CHAPTER CLXX.

A Supplement to an act entitled "An act relative to the publication of the laws of this state in the newspapers," approved April twenty-first, one thousand eight hundred and seventy-six.

I. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in every county in this state Certain newspapers designated to publish laws. having but three weekly newspapers, only two of which are now authorized by law to publish the public laws of this state, the newspaper not so authorized to publish said laws, shall be designated, in the manner prescribed by law, to publish the public laws of this state, passed at each session of the legislature, including the laws of the present session; *providing*, that this act shall not apply to weekly newspapers hereafter established in said counties, and that the said newspaper shall be located outside of the county seat, and have been published continuously for at least twelve years and have a circulation of not less than seven hundred and fifty copies, and is not a "patent outside." Proviso.

Taxed costs in foreclosure proceedings of property of school fund.

XI. The annual sum required to pay the taxed costs attending foreclosure proceedings in the case of lands and premises bought by the trustees for the support of public schools, to save the amount due upon mortgaged encumbrances held by them, as provided by section one of "A supplement to the act entitled 'An act to establish a system of public instruction,' approved March twenty-seventh, one thousand eight hundred and seventy-four," which supplement was approved April ninth, one thousand eight hundred and seventy-five.

Expenses incurred under direction of trustees of school fund.

XII. The annual sum required to defray such necessary legal and other expenses as may be incurred by or under the direction of the trustees for the support of public schools in the investment and protection of the school fund, and in the collection of the income thereof; *provided*, that such expenses before being paid, shall be approved by the board or by the president thereof.

Proviso.

Appropriations to be paid from income of school fund.

2. *And be it enacted*, That the comptroller is hereby directed to draw his warrants upon the treasurer of the school fund for the above mentioned appropriations and expenditures when they shall severally become due and payable, and the said treasurer is directed to pay the same out of any moneys now in his hands or which may come to his hands as income or revenue from the investments of the school fund, from rentals on leases of lands under water, or from grants of lands under water; *provided*, that nothing in this act shall be construed to authorize the expenditure of any portion of the principal of the said school fund; *and provided further*, that nothing in this act shall be so construed as to prevent, hinder or in any way interfere with the payment of the annual appropriation of one hundred thousand dollars towards the support of public schools out of the income of the said fund as now provided by law.

Proviso.

Proviso.

If income of school fund insufficient balance paid from state treasury.

3. *And be it enacted*, That if at any time the payments hereby authorized to be made from the income of the school fund shall become due and payable, the said income shall not have been collected to a sufficient amount to meet the required payments, the necessary sum shall be drawn from the state treasury, upon the warrant of the comptroller.

Repealer.

4. *And be it enacted*, That all acts and parts of acts inconsistent with this act, be and the same are hereby repealed, and this act shall take effect immediately.

Approved April 4, 1885.

CHAPTER CLXV.

A Supplement to "An act relative to the court of errors and appeals," (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no party to any suit now or hereafter pending in the supreme court of this state shall have or be entitled to an appeal to the court of errors and appeals in the last resort in all causes, from any order hereafter made by said court upon argument of a rule to show cause why a new trial of said cause shall not be had discharging or making absolute said rule. Not entitled to appeal from certain order of supreme court.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 7, 1885.

CHAPTER CLXVI.

An Act to amend an act entitled "A further supplement to an act entitled 'An act to provide for the organization of the State Lunatic Asylum, and for the care and maintenance of the insane,' approved February twenty-third, eighteen hundred and forty-seven," which said supplement was approved March first, eighteen hundred and fifty.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of an act entitled "A further supplement to 'An act to provide for the organi-

and obtained from the court out of which such receiver or trustee was appointed.

4. *And be it enacted*, That this act shall take effect immediately.

Approved April 7, 1885.

CHAPTER CLXXIII.

A Supplement to an act entitled "An act for the taxation of railroads and canal property," approved April tenth, one thousand eight hundred and eighty-four.

Section
amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section twenty-eight of the act to which this is a supplement be and the same is hereby amended to read as follows :

Attorney-general
may employ
assistant
attorneys.

[28. *And be it enacted*, That the attorney-general shall, with the approval of the governor and comptroller, have power to employ such assistant attorneys or counsel as may be necessary to protect and properly defend the interest of the state in carrying out the provisions of this act ; and such assistants shall be paid such compensation by the state as may be approved by the attorney-general and the comptroller ; the state board of assessors shall during the next two years have power to employ such assistants in making their valuations as may be necessary ; *provided*, the amount of compensation to be paid such assistants shall not exceed the sum of fifteen hundred dollars in the aggregate each year.

The state board
of assessors
may employ
assistants.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 7, 1885.

CHAPTER CLXXIV.

A Further Supplement to an act entitled "An act for the government and regulation of the state prison," approved the twenty-first, day of April, one thousand eight hundred and seventy-six.

1. BE IT ENACTED *by the Senate and General Assembly* Act repealed.
of the State of New Jersey, That an act entitled "A further supplement to an act entitled 'An act for the government and regulation of the state prison,'" approved the twenty-first day of April, eighteen hundred and seventy-six," which supplement was approved March fourteenth, one thousand eight hundred and eighty-three, and which reads as follows :

[1. BE IT ENACTED *by the Senate and General Assembly of* Goods manufactured in state prison to be stamped.
the State of New Jersey, That it is hereby made the duty of the principal keeper, supervisor, and board of inspectors established by the act to which this is a further supplement, to cause all goods, wares, merchandise and any article whatsoever, or any part or portion of any goods, wares, merchandise or article whatsoever made or manufactured in whole or in part, by means of the labor or skill (under contract or otherwise) of the prisoners confined in said prison, to be stamped in a legible and conspicuous manner with the words "manufactured in the New Jersey State Prison."

2. *And be it enacted*, That it is hereby made the duty of Authorities of prison to make rules, &c.
the principal keeper, supervisor and board of inspectors of said state prison to make and publish such rules and regulations as shall effectually carry out the provisions of the foregoing section of this act, and any refusal or neglect so to do on the part of any such principal keeper, supervisor or inspector shall be deemed and taken to be a misdemeanor, and on conviction thereof, any such principal keeper, supervisor or inspector shall be punished by a fine not exceeding five hundred dollars, or imprisonment at hard labor for any term not exceeding two years or both.

Repealer.

Act not to
apply.

3. *And be it enacted*, That all acts and parts of acts, inconsistent with the provisions of this act, be and the same are hereby repealed, and this act shall take effect immediately; but the provisions of this act shall not apply to articles manufactured under any contract now in existence] be and the same is hereby repealed.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 7, 1885.

CHAPTER CLXXV.

An Act to defray the incidental expenses of the legislature of New Jersey for the session of one thousand eight hundred and eighty-five.

State treasurer
authorized to
pay certain
sums.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the treasurer of the state of New Jersey to pay, upon warrant of the comptroller, to the several persons hereinafter named, the following amounts, viz:

Item No. 1.—To the clergy, for opening the sessions of the legislature with prayer during the session of one thousand eight hundred and eighty-five, ten dollars each.

Item No. 2.—To John L. Murphy, for binders, for use of members of the house of assembly, session one thousand eight hundred and eighty-five, fifty dollars and seventy-five cents,

\$50 75

Item No. 3.—To Thomas K. Johnston, for furnishing parchment and preparing oaths of officers and members of the senate and general assembly, session of one thousand eight hundred and eighty-five, fifty dollars,

\$50 00

Item No. 4.—To Henry D. Winton, for stationery, minute books, calendars, etc., for the opening of the house of assembly, session of one thousand

eight hundred and eighty-five, one hundred and sixty-five dollars, \$165 00

Item No. 5.—To Henry D. Winton, for services as clerk in opening the house of assembly, session of one thousand eight hundred and eighty-five, ten dollars, \$10 00

Item No. 6.—To C. M. Ward, special agent of the Globe File Company, for envelopes furnished the clerk of the house of assembly, session of one thousand eight hundred and eighty-five, ten dollars and fifty cents, \$10 50

Item No. 7.—To John L. Murphy, for advertising notice of the committee on incidental expenses to present bills, two dollars, \$2 00

Item No. 8.—To Naar, Day & Naar, for advertising notice of the committee on incidental expenses to present bills. two dollars, \$2 00

Item No. 9.—To A. Kessler, for furnishing keys, locks, &c.; repairing same, &c., in the senate and assembly chamber, session of one thousand eight hundred and eighty-five, twenty-five dollars, \$25 00

Item No. 10.—To McCrellish & Quigley, for printing tax act for joint committee on taxation, session of one thousand eight hundred and eighty-five, four dollars and twenty-five cents, \$4 25

Item No. 11.—To H. F. Smith, for services as clerk to the committee on engrossed bills, session one thousand eight hundred and eighty-five, five hundred dollars, \$500 00

Item No. 12.—To Knight & Gnichtel, for services as stenographer to special joint committee on taxation, session of one thousand eight hundred and eighty-five, twenty-five dollars and twenty cents, \$25 20

Item No. 13.—To James D. O'Brien, for services as bill clerk opening house of assembly, session of one thousand eight hundred and eighty-five, ten dollars, \$10 00

Item No. 14.—To John A. Brown, to services in attending the electrical gas machine in senate and assembly chambers during the session one thou-

sand eight hundred and eighty-five, one hundred dollars, \$100 00

Item No. 15.—To John McKechney, for services in attending fires in the senate and assembly chambers, and president's and speaker's rooms and ventilating same during session of one thousand eight hundred and eighty-five, one hundred dollars, \$100 00

Item No. 16.—To Warner Davis, for services as assistant journal clerk, session one thousand eight hundred and eighty-five, three hundred and fifty dollars, \$350 00

Item No. 17.—To E. L. Woodward, for mops furnished sergeant-at-arms of senate and house of assembly, session of one thousand eight hundred and eighty-five, twelve dollars, \$12 00

Item No. 18.—To George R. Johnson, for services as document clerk house of assembly, session of one thousand eight hundred and eighty-five, three hundred and fifty dollars, \$350 00

Item No. 19.—To Albert C. Wetherbee, for services as clerk to the committee on incidental expenses, session of one thousand eight hundred and eighty-five, sixty dollars, \$60 00

Item No. 20.—To Ellen Meley, for cleaning senate and assembly chambers and furnishing ice water for speaker and clerk's rooms, session of one thousand eight hundred and eighty-five, two hundred dollars, \$200 00

Item No. 21.—To James Johnson, for services as assistant sergeant-at-arms, house of assembly, opening session of one thousand eight hundred and eighty-five, ten dollars, \$10 00

Item No. 22.—To William Becroft, for services as journal clerk, opening session of one thousand eight hundred and eighty-five, ten dollars, \$10 00

Item No. 22.—To Frederick Frambach, Jr., for expenses incurred and for counsel fee in contested election case of Charles F. Ruh vs. Frederick Frambach, Jr., one hundred and fifty dollars, \$150 00

Item No. 24.—To Thomas F. Noonan, Jr., ten dollars for services in opening session of one thousand eight hundred and eighty-five, \$10 00

Item No. 25.—To C. J. Donovan, for services as sergeant-at-arms opening session of one thousand eight hundred and eighty-five, ten dollars, \$10 00.

Item No. 26.—To Samuel W. Semple, for services as speaker's secretary opening session of one thousand eight hundred and eighty-five, ten dollars, \$10 00

Item No. 27.—To Samuel Toombs, for indexing minutes of house of assembly, session of one thousand eight hundred and eighty-five, fifty dollars, \$50 00

Item No. 28.—To W. R. Glen, for engrossing resolutions relative to the retirement of General Grant, three dollars, \$3 00

Item No. 29.—To Reuben Brown, for services in washing towels, cleaning spittoons, water closets, etc., of the house of assembly, session of one thousand eight hundred and eighty-five, one hundred and fifty dollars, \$150 00

Item No. 30.—To Lawrence S. Mott, for services as clerk to the house committee on judiciary and house committee on revision of the laws, session of one thousand eight hundred and eighty-five, three hundred dollars, \$300 00

Item No. 31.—To Charles B. Hughes, for services as stenographer to special joint committee on taxation, session of one thousand eight hundred and eighty-five, thirty dollars and sixty cents, \$30 60

Item No. 32.—To Manning & Brown, for towels furnished speaker and clerk of house of assembly, session of one thousand eight hundred and eighty-four, three dollars, \$3 00

Item No. 33.—To the Foye Letter File, Cabinet and Index Co., for one hundred and forty-two bill files furnished the house of assembly, session of one thousand eight hundred and eighty-five, three hundred and seventy-two dollars and seventy-five cents, \$372 75

Item No. 34.—To James Miller, for services as clerk to the committee on corporations and municipal corporations, session of one thousand eight hundred and eighty-five, three hundred dollars, \$300 00

Item No. 35.—To George R. Johnson, for cash

paid Adams Express Company, session of one thousand eight hundred and eighty-five, one dollar and ten cents,

\$1 10

Item No. 36.—To John L. Murphy, for stationery, etc., furnished the sergeant-at-arms, house of assembly, session of one thousand eight hundred and eighty-five, two hundred and one dollars and twenty-three cents,

\$201 23

Item No. 37.—To John L. Murphy, for stationery, etc., furnished to the speaker of the house of assembly, session of one thousand eight hundred and eighty-five, one hundred and sixty-nine dollars and sixty-five cents.

\$169 65

Item No. 38.—To John L. Murphy, for stationery, furnished the engrossing clerk of the house of assembly, session of one thousand eight hundred and eighty-five, one hundred and fourteen dollars and sixty-five cents,

\$114 65

Item No. 39.—To John L. Murphy, for stationery and supplies furnished the clerk of the house of assembly, session of one thousand eight hundred and eighty-five, one hundred and forty-six dollars and fifty-five cents,

\$146 55

Item No. 40.—To John L. Murphy, for stationery and supplies furnished the committee on engrossed bills of the house of assembly, session of one thousand eight hundred and eighty-five, thirty-four dollars and seventy cents,

\$34 70

Item No. 41.—To John L. Murphy, for stationery, etc., furnished the stationery committee, house of assembly, session of one thousand eight hundred and eighty-five, thirty-seven dollars and thirty-five cents,

\$37 35

Item No. 42.—To John L. Murphy, for stationery furnished the reading clerk, house of assembly, session of one thousand eight hundred and eighty-five, five dollars,

\$5 00

Item No. 43.—To the Jordan Stationery Co., for stationery and supplies furnished the document clerk, house of assembly, session of one thousand eight hundred and eighty-five, sixty-four dollars and forty-five cents,

\$64 45

Item No. 44.—To the Jordan Stationery Co., for seventy packages stationery furnished the stationery committee for use of members of house of assembly, session of one thousand eight hundred and eighty-five, two hundred and eighty dollars, \$280 00

Item No. 45.—To the R. B. Dovell's Son Manufacturing Co., for ink, mucilage, etc., furnished the sergeant-at-arms, house of assembly session of one thousand eight hundred and eighty-five, nineteen dollars and fifty cents, \$19 50

Item No. 46.—To Callahan & Gartlan, for rubber bands furnished house of assembly, session of one thousand eight hundred and eighty-two, forty dollars, \$40 00

Item No. 47.—To John Bunnell, J. H. Peterson, Charles Muller, Thomas Lanahan, Frank Nichols, Joseph Smith and Charles Kelley, for services as gallery keepers and pages, John P. Feeney and John Jamison, doorkeepers, and James Burns, document clerk, opening session of one thousand eight hundred and eighty-five, ten dollars each, \$100 00

Item No. 48.—To John L. Murphy, for stationery, lamps and oil furnished the engrossing clerk, two hundred and two dollars and fifty-three cents, \$202 53

Item No. 49.—To John L. Murphy, for books, stationery, and so forth, furnished the secretary of the senate, two hundred and eleven dollars and sixty-one cents, \$211 61

Item No. 50.—To John L. Murphy, for calendars, gavel, stationery, and so forth, furnished the president of the senate, one hundred and fifty-four dollars and ninety-six cents, \$154 96

Item No. 51.—To Robert N. Ingersoll, page of the senate, for extra services as assistant journal clerk, one hundred and fifty dollars, \$150 00

Item No. 52.—To Benjamin Manning, gallery keeper, for services in opening house of assembly, session of eighteen hundred and eighty-five, ten dollars, \$10 00

Item No. 53.—To Enos G. Budd, Charles P. Ford, Clark F. Bonnell, Benjamin F. Lee, Benjamin R. Pool and Frank Huber, for extra services

at the extra session of the Senate in April, eighteen hundred and eighty-four, each ten dollars,	\$60 00
Item No. 54.—To John L. Murphy, for bill files and so forth furnished the sergeant-at-arms of the Senate, three hundred and thirty-two dollars and ninety-six cents,	\$332 96
Item No. 55.—To the Foye Letter File and Cabinet Manufacturing Company, for bill files, seventy-three and fifty cents,	\$73 50
Item No. 56.—To Mary E. Lee, washing towels, thirty dollars,	\$30 00
Item No. 57.—To George Still, for cleaning spittoons, water-closets and lobbies, one hundred dollars,	\$100 00
Item No. 58.—To W. S. Snyder, for special services engrossing sundry bills providing for the taxation of corporations, passed at the session of eighteen hundred and eighty-four, one hundred,	\$100 00
Item No. 59.—To Edward D. Fox, for services rendered in the office of the Executive in connection with Assembly bill No. 313, one hundred dollars,	\$100 00
Item No. 60.—To John Simmons, for express charges paid, four dollars,	\$4 00
Item No. 61.—To Charles F. Ruh, for counsel fees and expenses incurred in the contested election case of Frambach versus Rue, one hundred and fifty dollars,	\$150 00
Item No. 62.—To A. J. Rider, for engrossing senate resolutions and frame for same, fifty-two dollars,	\$52 00
Item No. 63.—To Robert H. Ingersol, Warner Davis, Thomas Carney, William W. Watson and Thomas Packer, pages of the senate, for services at the extra session of the senate in April, 1884, each ten dollars,	\$50 00
Item No. 64.—To George W. Colfax, for expressage paid, three dollars and twenty-five cents,	\$3 25
Item No. 65.—To A. L. English, engrossing clerk, for attending the opening of the session of the senate of eighteen hundred and eighty-five, ten dollars,	\$10 00

Item No. 66.—To Joseph Donovan, sergeant-at-arms, for attending the opening of the senate of eighteen hundred and eighty-five, ten dollars, \$10 00

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 7, 1885.

CHAPTER CLXXVI.

An Act for the restoration of the state house.

I. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the governor, the secretary of state, the comptroller, and the state treasurer are hereby constituted a commission, which commission, or a majority of them, shall have full power and authority on behalf of the state, to cause the burnt portion of the state house to be restored in the same external form as it was before the late fire, either by arrangement with the insurance companies liable for the loss occasioned by said fire, or by a contract or contracts to be made by said commission; and in said restoration the said commission shall have power in their discretion, to strengthen the foundations and walls, and rebuild such parts thereof as may be necessary, and to make such arrangement of the interior as may be convenient, and to make such portions of the interior fire proof as may be necessary for safety of the records, and to expend in the purposes aforesaid such moneys as shall be necessary, not exceeding fifty thousand dollars, which moneys shall be paid on the requisition of such commission, by the state treasurer on the warrant of the comptroller, and said commission shall proceed immediately with said work and complete the same before the next session of the legislature, and the state treasurer and comptroller may borrow in the name of the state upon temporary loans, any part of said moneys if necessary, and said commission shall report to the next legislature their proceedings under this act, with a detailed statement of their expenditures, and

Commission for restoration of state house constituted.

Powers, &c.

Appropriation.

When work to be completed, &c.

that said commission be authorized to employ some experienced and competent architect or sanitary engineer to devise plans and employ proper means for the heating and ventilation of the senate and assembly chambers to overcome the cold currents of air, and that the sum of five thousand dollars additional be and the same is hereby appropriated for that purpose.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 7, 1885.

CHAPTER CLXXVII.

An act to provide for the census or enumeration of the inhabitants of this state.

When enumeration of inhabitants to be taken.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That an enumeration of the inhabitants of this state, and of each county, town and township thereof shall be taken during the present year, eighteen hundred and eighty-five, and during every tenth year hereafter under the direction of the secretary of state.

Secretary of state to furnish blanks, &c.

2. *And be it enacted*, That the secretary of state shall as soon as may be after the passage of this act, and also every tenth year hereafter, cause uniform blank returns and abstracts, together with copies of this act and such instructions as he may deem necessary, to be printed for the purpose of taking such enumeration, at an expense not to exceed seven hundred and fifty dollars.

When blanks to be transmitted to county clerk.

3. *And be it enacted*, That the secretary of state shall on or before the fifteenth day of April instant and on or before the fifteenth day of April in every tenth year hereafter transmit in such manner as he may think proper, to each of the county clerks, twice as many of such blank returns and as many copies of this act and of said instructions as there are election districts in their respective counties.

4. *And be it enacted*, That it shall be the duty of each county clerk on or before the first day of May next, and on or before the first day of May in every such tenth year hereafter, to forward to the township clerk of each of the townships in his county and to the clerk of each of the cities and towns, a sufficient number of blank returns and copies of this act and instructions so as aforesaid transmitted to him by the secretary of state to supply each assessor of such township, town or city with duplicate sets of said blank returns and one copy of this act and one copy of said instructions.

When county clerks to forward blanks to clerks of cities and townships.

5. *And be it enacted*, That on the fifteenth day of May next, and on the fifteenth day of May in every such tenth year hereafter, every such assessor shall proceed to enumerate, truly and accurately, the inhabitants residing in the district for which he shall have been appointed, by making actual inquiry at every dwelling house, or the head of every family residing therein, and that in making this enumeration he shall ascertain and state in separate lines or columns, according to the schedules and instructions to be furnished by the secretary of state, viz.:

When and how enumeration to be made.

I. The number of dwelling houses numbered in order of visitation.

II. The number of families numbered in order of visitation.

III. The names of individuals.

IV. The number of inhabitants arranged, as far as practicable, according to families and dwelling houses, and classified as follows:

Native white males.

Native white females.

Native colored males.

Native colored females.

Foreign males—Irish.

Foreign females—Irish.

Foreign males—German.

Foreign females—German.

Foreign males—all other nationalities.

Foreign females—all other nationalities.

Children of five years of age and under—males.

Children of five years of age and under—females.

All males, five to twenty years of age.

All females, five to twenty years of age.
 All males, twenty to sixty years of age.
 All females, twenty to sixty years of age.
 All males, over sixty years of age.
 All females, over sixty years of age.

What assessor
to enter in
blank return.

6. *And be it enacted*, That each assessor shall enter in the blank return received, the particulars of the enumeration so made, according to the instructions of the secretary of state.

What persons
to be returned
as residents.

7. *And be it enacted*, That every person whose abode shall be in any place or in any family on the fifteenth day of May next, and on the fifteenth day of May in every such tenth year hereafter, shall be returned as of such place or family, and not otherwise; and every person casually absent at the time of taking the enumeration as belonging to that place in which he usually resides.

Returns to be
certified by as-
sessor.

8. *And be it enacted*, That the returns so made out shall be certified by each assessor taking the enumeration to be true and accurate, to the best of his knowledge and belief, and shall state the number of pages of which it consists, which certificate shall be subscribed and sworn to by him before any officer authorized to administer oaths.

When assessor
to transmit re-
turns to secre-
tary of state.

9. *And be it enacted*, That each assessor shall, on or before the first day of July next, and on or before the first day of May [July,] in every such tenth year hereafter, cause the returns, so certified, to be transmitted to the secretary of state, by express, carefully boxed in such manner as to protect them; and if the assessor shall neglect, for five days after the first day of July, to make his return as aforesaid, the secretary of state shall immediately despatch a messenger to procure such return, and the expense thereof shall be deducted from the account of such assessor by the board of supervisors or board of chosen freeholders of the county in which he may reside, if they shall think proper.

Secretary of
state to report
general account
of enumeration
to legislature.

10. *And be it enacted*, That the secretary of state, after receiving such returns, shall prepare and report to the legislature on or before the fifteenth day of January in each year succeeding the taking of such census, a general account of the enumeration, specifying the result thereof, in the several towns, wards, cities and counties of the state, with a full recapitulation of the whole, and after making such report it shall be the duty of the secretary of state to deposit all of

such returns in the state library, with a copy of the said general account and recapitulation thereof.

11. *And be it enacted*, That in all cities and towns having boards of assessors, and in all cities having one hundred thousand inhabitants or over, the common council or board of aldermen shall appoint enumerators to take the census and perform the duties provided for under this act. Appointment of assessors in certain cities and towns.

12. *And be it enacted*, That in case of the death of any assessor or his inability from any cause, or his neglect or refusal to perform the duties required by this act at the time therein specified, it shall be the duty of the township collector of the township or the receiver of taxes of the town or city in which such assessor may reside, immediately to appoint some suitable and proper person residing in said ward or township to act as an enumerator in the place of such assessor so failing to act, which person, so appointed, shall perform the duties imposed by this act on such assessor. Appointment of enumerator where assessor has died, &c.

13. *And be it enacted*, That the accounts for the services of the assessors done under this act and the enumerators appointed under the provisions of this act shall be audited by the board of supervisors or board of freeholders of the county where the services are performed, and shall be assessed, collected and paid as part of the contingent expenses of such county. Accounts of assessors and enumerators, how paid.

14. *And be it enacted*, That the assessors shall be entitled as enumerators, for their services, to two dollars per hundred inhabitants enumerated as aforesaid, to be paid by the respective counties, and the secretary of state shall be allowed to employ clerical assistance for the revision and tabulation of the said census at an expense not to exceed one-quarter of a cent for each inhabitant enumerated; the bills for such expense to be audited by the comptroller, and to be paid by the state treasurer on the warrant of the comptroller. Compensation of enumerators, &c.

15. *And be it enacted*, That all liabilities incurred for printing, postage and transmission of returns shall be paid out of the treasury on the warrant of the comptroller, and charged to a special account. Expenses for printing, &c., how paid.

16. *And be it enacted*, That all acts and parts of acts inconsistent herewith be and the same are hereby repealed. Repealer.

17. *And be it enacted*, That this act shall take effect immediately.

Approved April 7, 1885.

CHAPTER CLXXVIII.

A Supplement to an act entitled "An act concerning conveyances," (Revision) approved March twenty-seventh, one thousand eight hundred and seventy-four.

Deed for land lying in more than one county, where recorded.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever lands lie partly in one county and partly in one or more other counties, and a deed or conveyance of such lands shall have been recorded in one of such counties, it shall and may be lawful to record in any or all of the other said counties in which such lands lie as aforesaid, a certified copy of the record of such deed over the hand and official seal of the officer of such county, authorized to record deeds, where the same is recorded, and the record of such certified copy shall be made in the same manner and shall be valid and effectual in law as if the original deed was then and there recorded in the stead of such certified copy; *provided*, that the certificate of the officer making such certified copy shall be recorded with the same; *and provided, further*, that this act shall not affect the rights of any person or persons which may have been acquired before the recording of any such deed or certified copy thereof in any of said counties.

Proviso.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 10, 1885.

CHAPTER CLXXIX.

A Supplement to an act entitled "An act concerning savings banks," (Revision) approved April twenty-first, one thousand eight hundred and seventy-six.

I. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the governing board of every savings bank in any city in this state having a population of over one hundred thousand, whether such bank shall be or shall have been organized under or by virtue of any general or special statute, shall, at each annual meeting of such board hereafter, provide for the election by ballot by the depositors of said bank of a committee of three depositors for the purposes hereinafter set forth, which election shall be held two weeks thereafter, of which election public notice shall be given by advertising the same daily during such two weeks, except Sundays, in one or more newspapers circulating in such city, and once a week, for said two weeks, in a weekly paper, if any, circulating therein, designating the time and place for the holding of such election; and the necessary expenses for the holding of such election shall be paid by such governing board and charged to the expense account of said savings bank; and the governing board of said savings bank shall appoint two of their number and two depositors who are not and shall not at any time previous thereto have been members of said board, which four persons, as inspectors, shall have charge of such election; and such inspectors, before proceeding to hold such election, shall severally take and subscribe an oath or affirmation, before any person duly authorized to administer the same, faithfully and impartially to discharge the duties of their office as such inspectors, and to make a true return thereof as hereinafter provided; the poll at such election shall be opened at ten o'clock in the morning and shall continue open until nine o'clock in the evening for one or more days, as said inspectors may deter-

Governing board of savings bank in certain cities to provide for election of committee of depositors.

mine; and such governing board of said savings bank shall provide a ballot box in which shall be deposited all votes cast at such election; and no person shall be entitled to vote at such election unless his name shall be upon the books of such bank as a depositor therein, a certified list of which depositors shall be prepared by the secretary of such savings bank for use at such election; and the production by any person of a deposit book, showing a balance to the credit of the person therein named, shall be deemed sufficient evidence of the identity of any depositor, or of the right of the person producing such deposit book to vote as proxy, at such election; *provided*, such depositor shall not be known to the persons in charge thereof, or such person so offering to vote shall not produce a duly executed proxy to vote at such election; and the three depositors who shall receive the highest number of votes cast at such election shall be declared by said inspectors to be duly elected as such committee of depositors; *provided*, that no depositor who shall be in any wise related by blood or marriage to, or in any wise connected in business with, any of the governing board of said savings bank, shall be eligible to election as a member of such committee of depositors; and the said inspectors, after such election, shall, with all convenient speed, count said votes, and, under oath or affirmation, notify the governing board of the said savings bank, in writing, of the result of such election, and of the names and address of the persons elected as such committee of depositors; and the said governing board of said savings bank shall notify such committee of depositors, by notice mailed to each of them at least five days previous to the beginning of any examination of the affairs of said savings bank, of the fact that such examination is about to be commenced, and requesting them to be present and participate in such examination.

Proviso.

Proviso.

Members of
committee may
fill vacancies,
&c.

2. *And be it enacted*, That such members of said committee of depositors as shall be present at the time or times appointed for the making of such examination may fill vacancies in their number from among the depositors of such savings bank, other than the governing board thereof; and, in case none of said committee of depositors shall appear, then it shall be in the power of said governing board of said savings bank to select three such persons, from

among the depositors, as they may see fit, being governed, in such selection, as to the qualification of the persons, to serve on such committee of depositors, by the provisions of the preceding section relating to the election of persons, as members of said committee, in the first instance, by the depositors.

3. *And be it enacted*, That such committee of depositors shall have authority, acting together with the examining committee provided by the by-laws of such savings bank to make the examination of its books, vouchers, assets or affairs annually or semi-annually, or as the case may be, or acting alone, as a committee, at all reasonable times, to examine the books, vouchers and assets of such savings bank and its affairs generally. Committee authorized to examine affairs of bank.

4. *And be it enacted*, That such committee of depositors, acting alone as a committee, or together with the said examining committee of such savings bank, shall be authorized, at the conclusion of any such examination, to sign and publish any statement or statements, report or reports, of the condition generally of the savings bank so examined by them, at the date of such examination, or specifically of either its books, vouchers, assets or affairs, and to report and publish any other matters relating thereto, if, in their judgment, it may be wise that the same should be known by the said governing board, or by others in charge of said bank, or by the depositors therein. May sign statement of condition of bank.

5. *And be it enacted*, That this act shall take effect immediately, and that all acts and parts of acts inconsistent herewith be and the same are hereby repealed. Repealer.

Approved April 10, 1885.

CHAPTER CLXXX.

An Act to amend an act entitled "An act to empower fish wardens to enforce game laws."

Section
amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of an act entitled "An act to empower fish wardens to enforce game laws," approved April fourteenth, eighteen hundred and eighty-four, be amended so as to read as follows :

Fish wardens
empowered to
enforce game
laws on Sunday.

[1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when the board of chosen freeholders of any county of this state may so determine, the fish wardens of this state now, or hereafter to be appointed, as provided for in section three of a supplement to "An act to regulate fisheries," approved March fifteenth, one thousand eight hundred and seventy-one, shall, in addition to the duties now imposed upon them, be and they are hereby severally empowered and required, on view or information, to enforce the game or gunning laws on the Sabbath day, commonly called Sunday, within their respective counties by arresting and prosecuting the offender or offenders with all the power and assistance they are now vested with in enforcing the fishing laws ; they shall make an annual report, duly authenticated, to the board of chosen freeholders of their respective counties, and shall receive three dollars per diem for each day they are occupied in their special service as game wardens, to be paid by the county treasurer, on the order of the board of chosen freeholders.]

Annual report.

Compensation.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 10, 1885.

CHAPTER CLXXXI.

An Act in relation to insolvent savings banks.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever there shall remain unclaimed for a period of one year any dividends declared by the managers or a receiver of any insolvent savings bank or savings institution, it shall be the duty of such managers or receiver to prepare a list for advertisement of such unclaimed dividends and publish the same in a newspaper published in the city or township in which such bank or institution is located, which advertisement shall state the name of the depositor, his or her place of residence, if known, and the amount of dividend or dividends unclaimed, such notice to be published at least once a week for four weeks, and the cost thereof charged to the account of unclaimed dividends. Dividends unclaimed for one year to be advertised.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 10, 1885.

CHAPTER CLXXXII.

A Supplement to an act entitled "An act concerning county boards," established for the protection of the public health and the registration of vital facts and statistics in counties of this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any such county board as is provided for in the act to which this is a supplement, shall, Board empowered to charge fee for license or permit.

by virtue of the powers conferred upon it by the fourth section of the said act, have power to fix and charge a reasonable license or permit fee for any license or permit which may be granted by such board under said section ; such fee not to exceed twenty-five dollars annually, which said fees may be fixed by ordinance or by resolution of the board.

Moneys, how applied and accounted for.

2. *And be it further enacted*, That all fees or moneys collected or realized by any such board may be used by it to prevent the spread of disease, the abatement of nuisances and for other sanitary purposes ; and all such moneys and fees shall, at the end of each fiscal year, be accounted for in a detailed written statement, to the county collector or other like officer having charge of the financial affairs or accounts of the county and any balance on hand at that time exceeding three hundred dollars shall be paid over to him.

Board empowered to remove persons affected with contagious disease.

3. *And be it further enacted*, That any such board shall have power to remove or cause to be removed to a proper place to be by them designated, persons sick with any contagious, pestilential or infectious disease and said board shall also have power to remove or cause to be removed to a proper place to be by them designated, all things within the county which in their opinion shall be infected with any matter likely to communicate disease to the inhabitants thereof and said board may destroy such things or cause them to be destroyed when in their opinion the public safety requires it ; and no person shall remove from any vessel, boat, house or place any person sick with any disease mentioned in this section without a permit from such board or a member of it.

Board of freeholders to provide place, &c., for persons removed.

4. *And be it further enacted*, That the place or places to which removals may be made as provided in the preceding section of this act shall be provided by the board of chosen freeholders of every such county and such board shall also provide ambulances or other proper means for making said removals.

Board of health may cause streets to be closed for safety of public, &c.

5. *And be it further enacted*, That such county board of health may cause any street, avenue, alley or other passage or place whatever to be fenced up or otherwise enclosed if they shall think the public safety requires it, and may forbid and prevent communication with any place infected with any contagious, infectious or pestilential disease except by means of physicians, nurses or messengers carrying necessary advice, medicines and provisions to the afflicted, and said board

may put or place or cause to be put or placed on or near any place infected with any contagious, infectious or pestilential disease, or with any nuisance, dangerous to health placards or notices to indicate to and warn people of the existence of any such disease; and said board may also by ordinance prescribe penalties for any infraction or violation of this section, provided such penalties shall not exceed the penalties provided for in the seventh section of the act to which this is a supplement, and the same may be enforced and recovered in the manner provided for the enforcement and recovery of the penalties mentioned in said section.

6. *And be it further enacted*, That any such board of health may, by resolution delegate any portion of its powers to any member of the board or to any officer thereof to be exercised only when the board is not in session; any exercise of such powers shall be reported to the board at its next meeting thereafter.

Board may delegate powers to any members.

7. *And be it further enacted*, That service of any order, demand, or notice of any such board of health as also of any summons in any suit or action to recover a penalty or penalties commenced by it may be made upon any person, firm, co-partnership, corporation, company or board, by handing a true copy thereof to such person or to any member of any such firm, co-partnership, corporation, company or board, or by leaving the same at his or her residence or usual place of abode; in the absence of such person or member, service as aforesaid may be made upon such person, firm, co-partnership, corporation, company or board, by handing a true copy as aforesaid, to any agent, manager, superintendent, bookkeeper or clerk of the same; and when service of any order, demand, notice or summons as aforesaid, shall be made in the manner above provided such service shall be deemed and taken to be a sufficient and legal service thereof; *provided*, that nothing in this section shall be taken as limiting or affecting the time fixed for appearance to answer or respond to any such order, demand, notice or summons, but same shall remain as heretofore.

Service of order, &c., of board, now made.

Proviso.

8. *And be it further enacted*, That any such board of health as aforesaid, shall have power to prescribe ordinances to regulate and control the plumbing, ventilation and drainage of all buildings, both public and private, erected within

Board may prescribe ordinances to regulate the plumbing, ventilating and drainage of buildings.

the county after the passage of this act, and may require plans for the same with necessary drawings or descriptions to be submitted to such board for its inspection and approval; and such board may require all master and foremen plumbers and all building contractors to register their names and addresses at the office of such board and all city and other local boards of health and health officers are hereby authorized to enforce and carry out the provisions of this section.

Board to enforce laws.

9. *And be it further enacted*, That it shall be the duty of every board of health to aid in the enforcement of and so far as practicable, to enforce all laws of this state applicable in said county, to the preservation of human life or the care, promotion or protection of health, and said board may exercise the authority given by said laws to enable it to discharge the duty hereby imposed, and by this section it is intended to include all laws relative to cleanliness and to the use or sale of poisonous, unwholesome, deleterious or adulterated drugs, medicines, or food.

May appoint officers, employees, &c.

10. *And be it further enacted*, That such board of health shall hereafter have power to control; appoint and supervise all the officers and employes connected therewith or authorized and required to perform service for it in any capacity, and may appoint such sanitary inspectors or officers not exceeding three, and from time to time procure such sanitary engineering service as may be essential for carrying out efficiently the objects, purposes and duties confided to it or which may hereafter be confided to it by any law of this state; said board shall fix the pay and compensation for all services which may be rendered under this section not already fixed by law and the same shall be paid by the county in the same manner that the compensation of the other officers and members of said board is now paid.

Fix compensation.

Expense of abating nuisance to be a lien on property.

11. *And be it further enacted*, That any expense incurred by any such board of health in abating any nuisance upon any property in such county or in the filling up of sunken lots which have become the repositories of stagnant water or are otherwise dangerous to health shall be a lien on the same and may be enforced by such board in such manner as it shall by ordinance direct; a record of all such liens and expenses shall be kept in the office of the board in a book

to be provided for the purpose, which shall be properly indexed.

12. *And be it further enacted*, That no member, officer or agent of such board of health shall be sued or held to liability for any act done or omitted by either person as aforesaid (with good faith and with ordinary discretion), on behalf of or under said board or pursuant to its laws, rules, regulations or ordinances. Not to be sued for act done in good faith.

13. *And be it further enacted*, That such board of health shall have power in its discretion to appoint such persons as agents to aid in the enforcement of the laws, regulations and ordinances of the same as may volunteer to do so without any compensation or pay therefor, but the appointment of any such agents may be revoked at any time and such board may also, in its discretion, furnish such agents and the other inspectors or officers of said board with a suitable badge to be worn when in the performance of duty. Board may appoint agents to enforce laws.

14. *And be it further enacted*, That any member or the clerk of any such board of health shall have power to administer oaths and take testimony and proofs in any investigation or in regard to any matter of which such board shall have jurisdiction, and any person guilty of wilfully testifying falsely in such cases shall incur all the pains and penalties of perjury. May administer oaths, &c.

15. *And be it further enacted*, That this act shall be deemed and taken to be a repealer of all other acts and parts of acts, public, general or special, in so far as the same relate to or prescribe a different or contrary system than that provided in this act for the appointment or manner of appointment as well as the control and supervision of any and every inspector, officer or other employe connected with said board or authorized or required in any way to act or perform service for it; *provided*, that it shall not be lawful hereafter for said board to appoint with compensation any health or sanitary inspector than the (3) three provided for in this act, but this restriction shall not apply to cases where such board is authorized to appoint special health inspectors during the prevalence of contagious or epidemic diseases. Repealer.

16. *And be it enacted*, That this act shall take effect immediately. Proviso.

Approved April 10, 1885.

CHAPTER CLXXXIII.

An Act relating to assessors of taxes in cities.

Assessors may
meet as a board
of assessors.

I. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities in this state where there are by law more than one assessor of taxes, each of whom is charged by law with the making of the valuations and assessments of property for municipal taxation for the particular ward, precinct or district for which he is elected or appointed, such assessors shall hereafter, at least three days prior to the time fixed by law for completing their annual valuations, meet as a board of assessors, and shall revise, inspect and review the valuations of each of said assessors, and correct the same where necessary, so as to obtain uniformity as nearly as may be in the valuations of property in said city; a majority of assessors shall be a quorum of said board, and all valuations of property shall be approved by a majority of said board, and such approval certified on the assessment book or record.

Act not to
apply.

2. *And be it enacted*, That this act shall not apply to any city where, by its charter, provision is made for joint action of the assessors upon the valuations or assessments for taxes: and this act shall take effect immediately.

Approved April 17, 1885.

CHAPTER CLXXXIV.

An Act to amend an act entitled "An act constituting police courts in certain cities of this state," approved March twenty-third, one thousand eight hundred and eighty-three.

I. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section four of said act be ^{Section amended.} amended to read as follows :

[4. *And be it enacted*, That the police justices appointed as ^{Powers and jurisdiction of} aforesaid shall have the following and no other powers, ^{police justices.} authority and jurisdiction, to-wit :

I. That they shall be entitled to use and exercise the like power, authority and jurisdiction in all criminal matters and in all matters relating to cases of bastardy, and to the relief, removal and settlement of the poor, and in all cases of vagrancy and disorderly persons as any one or two justices of the peace are or may be by law entitled to use or exercise, and to hear, examine, try and determine the same and to give judgment and carry the same into execution according to law as such justice or justices might or would do ; but they shall not by virtue of such office be authorized to try any civil action except such as may be brought to recover a penalty under the provision of this act or any of the ordinances of the city, in which case they may act as justices of the peace in their civil capacity.

II. Every such police justice shall be authorized and empowered to hold a court within the city for which he shall be appointed to hear, try and determine according to law, all suits and actions which may be brought for the recovery of any penalty or penalties prescribed for the violation of any by-law or by-laws, ordinance or ordinances of such city ; and also to hear, try and determine according to law, all offences charged before him by complaint in writing on oath or affirmation to have been committed in violation of any such by-law or by-laws, ordinance or ordinances for which the ^{May hold court in city.}

punishment is by fine or imprisonment; every such court shall be a court of record and vested for the purposes aforesaid with all such power as is used in courts of record of this state.]

Approved April 17, 1885.

CHAPTER CLXXXV.

An Act to amend "An act to provide for the election of road overseers in their respective districts," approved April twenty-eighth, eighteen hundred and eighty-four.

Section
amended.

I. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section in the act mentioned in the title hereto, shall be amended so as to read as follows:

Election of road
overseers, when
held.

[I. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the legal voters of any township within this state, wherein the overseers of roads have heretofore been elected at the annual town meeting, may at any town meeting, by a majority vote, pass a resolution or resolutions directing that hereafter the overseers of roads may be elected in their respective districts by the legal voters residing therein, on Thursday following the regular town meeting in each and every year; and the overseers in each road district shall set up two notices in writing in two public places in each road district of the election of overseers, stating the time and place of such election, which shall be between the hours of two and eight o'clock p. m., five days before the day herein fixed for such election; and in case of the failure of any such overseer to give such notice or in case of the failure for any cause of the voters in any district to elect an overseer, then the township committee shall appoint some suitable person to fill any vacancy; said election may be by ballot or otherwise as the meeting may determine.]

Notice of elec-
tion, &c.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 17, 1885.

CHAPTER CLXXXVI.

An Act respecting cities, boroughs and incorporated towns.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any city, borough or incorporated town of this state it shall be lawful for the license inspector by whatever name designated, or any police officer thereof, to summarily arrest any person hawking, peddling, selling or buying anything whatsoever in such city, borough or incorporated town without a license, when it is required to obtain a license therefor by any ordinance of such city, borough or incorporated town. Lawful to arrest persons hawking, peddling, &c., without license.

2. *And be it enacted*, That it shall be lawful to carry such person so arrested before any magistrate of said city, borough or incorporated town before whom violations of ordinances are triable; whereupon such magistrate shall determine whether the person so arrested has been guilty of the violation complained of. Persons to be taken before magistrates.

3. *And be it enacted*, That on conviction of such violation, it shall be lawful for the magistrate to impose a fine on such person of not less than one dollar nor more than twenty-five dollars, or to commit such person so convicted to the county jail for a period not to exceed ten days. Penalty on conviction.

4. *And be it enacted*, That this act shall take effect immediately.

Approved April 17, 1885.

CHAPTER CLXXXVII.

An Act to authorize associations of exempt firemen in cities of this state to fix the time for holding their annual meetings for the election of officers.

May pass by-
laws fixing time
of annual
meeting.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter every association of exempt firemen in any city of this state in addition to the powers now vested in them shall have power to pass by-laws fixing the time for holding the annual meeting for the election of officers of said association.

Repealer.

2. *And be it enacted*, That all acts and parts of acts, general and special, inconsistent with this act, be and the same are hereby repealed, and that this act shall take effect immediately.

Approved April 17, 1885.

CHAPTER CLXXXVIII.

A Supplement to an act entitled "An act regulating fences," (Revision), passed January twenty-third, one thousand seven hundred and ninety-nine.

Section
amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section three of said act to which this is a supplement, be amended so that it shall read as follows:

Proceedings to
place partition
fence where
parties cannot
agree.

[3. *And be it enacted*, That to avoid the difficulty that may arise touching the placing of any partition fence, if the parties cannot agree upon the place themselves, it shall and may be lawful for the persons proposing to make the fence,

to apply to any two of the township committee of the township, or to any two of the street committee of council in any city, incorporated town or borough where the lands lie, residing nearest the premises, and being disinterested and indifferent between the parties, who on hearing the allegations and proofs of the parties, shall fix and appoint (by writing under their hands, to be delivered to each of the parties), the place where such fence is to be made; and when made in the place so appointed, (if the other party shall have neglected or refused to make his just part or proportion thereof), it shall be sufficient to entitle the party so making the same to recover such part or proportion of the charges thereof as aforesaid, although it may not happen to be exactly in the division line between the same parties; *provided* ^{Provido.} *always*, that the place so appointed for making the said fence shall not be construed to exclude or deprive any or either of the parties of any lawful claim to a greater quantity of land; but such person or persons may maintain his, her or their action for the same, as though such determination of either the township or street committee, or the partition fence, had never been made.]

2. *And be it enacted*, That this act shall be deemed a public act, and shall take effect immediately.

Approved April 17, 1885.

CHAPTER CLXXXIX.

A Further Supplement to an act entitled "An act to regulate fees," approved April fifteenth, eighteen hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act in addition to the fees now allowed by law to examiners and special masters in chancery, and supreme court commissioners for taking testimony in any matter or cause pending in any of the courts of this state, or in any

Additional fees
of masters and
supreme court
commissioners.

proceeding based upon, or growing out of any decree or judgment of any of the courts of this state, there shall be allowed the sum of three dollars for every appointment, at which no testimony shall be taken, said sum to be paid by the moving party in case there shall be no adjournment of the taking of such testimony, and by the party applying for an adjournment, in case such adjournment is granted.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 17, 1885.

CHAPTER CXC.

A Supplement to the act entitled "An act concerning corporations," (Revision) approved April seventh, eighteen hundred and seventy-five.

When charter of railroad or canal company repealed or company dissolved chancellor to take charge of effects, &c.

Proviso.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the charter of any railroad or canal corporation shall be repealed, or any such railroad or canal corporation shall be dissolved in any manner whatever, the chancellor shall, upon the application of the attorney-general by petition in the name of the state, take charge of all the estates, effects and franchises of such corporation, and proceed to settle its affairs in conformity to the provisions of the act to which this is a supplement, and the provisions of any supplement thereto; and if justice and equity shall require the chancellor may order and decree the estates, effects and franchises of such corporation to be sold at public sale; *provided*, that no franchise of immunity from taxation, and no contract wholly or partially exempting such corporation from taxation shall be sold at such sale, or in any other manner whatever, either expressly or by implication, but the purchasers of such effects, estates and franchises shall acquire and hold the same subject to such taxation as the state may impose thereon by law.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 17, 1885.

4. *And be it enacted*, That all acts or parts of acts inconsistent with this act, be and the same are hereby repealed, and that this act shall be deemed and taken to be a public act and shall take effect immediately. Repealer.

Approved April 20, 1885.

CHAPTER CCV.

An Act concerning cities.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the common council of any city or other like municipal body with general municipal powers to order and cause to be assessed and raised by tax in any one year for the general purposes of said city exclusive of school, library, poor, fire, and state and county taxes, in lieu of the amount now authorized to be raised for such purposes, any sum not exceeding one-half of one per centum of the assessed valuation of real and personal property in such city ; *provided, however*, that nothing herein shall in anywise be construed or held to take away or limit any power now vested in any city to assess and raise by tax for such purposes any larger sum ; *and provided further*, that this act shall not apply to or affect any city until the same shall have first been submitted to the legal voters of such city for their approval at an annual municipal election in said city and the same shall have been approved by a vote of a majority of all the votes cast at such election. Municipal authorities may order certain sum to be raised by tax for general purposes.

2. *And be it enacted*, That all laws, general or special, so far as they are inconsistent herewith, are hereby repealed, and this act shall take effect immediately. Repealer.

Approved April 20, 1885.

CHAPTER CCVI.

An Act for the incorporation of safe deposit and trust companies.

Persons may
associate to es-
tablish place of
safe deposit and
trust.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any number of persons not less than seven may associate themselves together to establish a place or places of safe deposit and trust within the state on the terms and conditions and subject to the liabilities prescribed in this act; the aggregate amount of the capital stock of any such company shall not be less than twenty-five thousand dollars nor more than two hundred thousand dollars, the whole amount of which as fixed shall be subscribed and twenty-five per cent. thereof actually paid in in cash before such company shall commence business.

Certificate of
incorporation,
what to specify.

2. *And be it enacted*, That the persons so associating shall, under their hands and seals make a certificate which shall specify the following matters:

I. The name they have assumed to conduct their business,

II. The amount of the capital stock as fixed by them and the number and par value of the shares thereof,

III. The names and residences of the share-holders and the number of shares held by each,

IV. The place or places where said association will conduct its business,

Where acknowl-
edged and re-
corded.

Which certificate shall be acknowledged before a master in chancery of this state and recorded in the office of the secretary of state, and upon the same being so recorded said association shall be a body corporate and entitled to all the rights and privileges as such under the laws of this state.

Powers and
authority of
association.

3. *And be it enacted*, That any association created under this act shall have full power and lawful authority to take and receive on deposit in trust and for safe keeping, stocks, United States bonds, jewelry, plate, money and other valuable property of every kind upon terms to be prescribed by

the by-laws of said association, and such association may collect coupons of or interest upon United States or other bonds, obligations or securities, when authorized so to do by parties depositing the same, and may make such special contracts as may be authorized by the by-laws for the taking of money or articles of property on deposit and the payment or return thereof and the interest thereon and the rate or percentage of charges payable to or collectable by said association.

4. *And be it enacted*, That the business of said association shall be conducted by a board of directors of not less than seven in number, who shall be stock-holders, and shall be elected annually at a stock-holders' meeting to be provided for in the by-laws of the association; said board of directors shall elect from their number a president, and shall provide for the election and appointment of such other officers and agents as may be necessary. Business to be conducted by board of directors.

5. *And be it enacted*, That this act shall take effect immediately.

Approved April 20, 1885.

CHAPTER CCVII.

An Act for the preservation of birds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no person shall at any time within this state, catch, kill, trap or expose for sale, or have in his possession after the same has been caught, killed or trapped, any night hawk, whip-poor-will, sparrow, thrush, meadow lark, skylark, finch, martin, swallow, woodpecker, robin, oriole, red or cardinal bird, cedar bird, wren, tanager, cat bird, blue-bird, snow bird, tern, gull or any insectivorous or song bird, not generally known as a game bird. Unlawful to catch, kill, &c., insectivorous birds.

2. *And be it enacted*, That person shall in the months of March, April, May, June, July or August in any year, within this state, knowingly or willfully molest, tear down or destroy Unlawful to destroy nest of wild bird during certain months.

the nest of any wild bird, or take, carry away or destroy the egg or eggs of any such wild bird; nor shall any person, at any time whatever, sell, offer or expose for sale or buy the egg or eggs of any bird named in sections one and three of this act.

Not lawful to
kill birds for
preserving as
ornaments.

3. *And be it enacted*, That it shall not be lawful for any person to kill or catch, buy or sell any of the birds mentioned in section one of this act, or any of the birds commonly known as game birds, or any sandpiper, plover, willet curlew, marlin or other bird of the species commonly called shore or bay birds, or any heron, crane, fish-hawk, king fisher, yellow hammer or blue jay, for the purpose of preserving or stuffing the same as an article of ornament or apparel.

Penalty.

4. *And be it enacted*, That any person violating any of the provisions of sections one and two shall forfeit the sum of five dollars for each offence, and any person violating the provisions of section three shall forfeit the sum of fifty dollars; the said penalties shall be recovered in the manner provided in the act entitled "An act to provide a uniform method of procedure for the recovery of penalties for the several laws relating to game and game fish."

How recovered.

Act not to apply
to English
sparrows.

5. *And be it enacted*, That nothing in this act contained shall be held to apply to or affect the bird commonly known as the English sparrow.

6. *And be it enacted*, That this act shall take effect immediately.

Approved April 20, 1885.

poration, the names of its directors and officers, and the location of its principal office.

3. *And be it enacted*, That companies organized under and by virtue of the last preceding section shall be subject to the provisions and regulations of the act to which this is a supplement, so far forth as the same shall apply to companies organized in this state. Companies subject to provisions of insurance act.

4. *And be it enacted*, That whenever the secretary of state shall suspend or revoke such authority to do business in this state, new or supplemental security shall be required of the person for whom such company is surety; *provided*, that the liability of such company shall not be impaired by the requiring of such new security. When authority to do business suspended, new security required. Proviso.

5. *And be it enacted*, That this act shall take effect immediately, and that all acts and parts of acts inconsistent herewith, be and the same are hereby repealed. Repealer.

Approved April 17, 1885.

CHAPTER CXCIV.

An Act to amend section one of the act entitled "An act to authorize railroad companies incorporated under the laws of this and adjoining states, to merge and consolidate their corporate franchises and other property," approved March twenty-fifth, one thousand eight hundred and eighty-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the act entitled "An act to authorize railroad companies, incorporated under the laws of this and adjoining states, to merge and consolidate their corporate franchises and other property," approved March twenty-fifth, one thousand eight hundred and eighty-one, be and the same is hereby amended so as to read as follows: Section amended.

Railroad com-
panies may
merge and con-
solidate.

Proviso.

[1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any railroad company or corporation, organized under the laws of this state, to merge and consolidate their capital stock, franchises and property with those of any railroad company or companies of this state whenever the said railroads so to be consolidated shall or may form connecting or continuous line or lines of railroads; *provided*, that no railroad company claiming a contract with the state on the subject of taxation shall avail itself of the provisions of this act unless said contract is surrendered.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 17, 1885.

CHAPTER CXCV.

An act authorizing turnpike companies to vacate or dispose of a portion of its road and property.

When turnpike
company may
vacate or dis-
pose of portion
of road.

[1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when any turnpike company in this state may deem it advisable to dispose or vacate any portion of their road not in excess of one-half of its entire length, they shall hereby have the power and privilege of so doing at any time when the same may be favored by a vote represented by those owning two-thirds of the capital stock of said company to be voted at a special meeting of said stockholders called by the officers of said company, and the notice of said meeting being published in at least one newspaper in each county where said road is located for the space of thirty days, once in each week, said notice to state the time and object of said meeting; the said stockholders may by a vote represented by those owning two-thirds of the capital stock of said company authorize and empower their president and secretary to sell or vacate to the freeholders of the county or counties the portion so desired;

and if vacated without compensation a committee of the board of freeholders of the county or counties may view the same and report to the said board upon what terms they have agreed to take said road, and the action of a majority of said board of freeholders in accepting or rejecting said report shall be final.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 20, 1885.

CHAPTER CXCVI.

A Supplement to "An act to ascertain the rights of the state and of the riparian owners in the lands lying under the waters of the bay of New York and elsewhere in the state" (Revision), approved April eleventh, one thousand eight hundred and sixty-four, and the several supplements thereto.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the commissioners appointed under the act entitled "An act to ascertain the rights of the state and of the riparian owners in the lands lying under the waters of the bay of New York and elsewhere in the state," approved April eleventh, one thousand eight hundred and sixty-four, and to which this act is a supplement, shall, on the first day of May next, one thousand eight hundred and eighty-five, so arrange themselves, either by agreement or by ballot, that the office of one of them shall be vacated every year for a period of four years, and that the said commissioners hereafter appointed shall respectively hold the said office for the term of five years.

Commissioners to classify themselves.

Term of commissioners hereafter appointed.

2. *And be it enacted*, That if a vacancy shall occur in the office of any commissioner by death, resignation or other

Vacancy, how filled.

wise, the appointment to fill such vacancy shall be for the unexpired term only.

3. *And be it enacted*, That this act shall take effect immediately.

Approved April 20, 1885.

CHAPTER CXCVII.

An Act to fix the minimum amount of salary of the prosecutors of the pleas in the counties of the third class in this state.

Salary of prosecutor in county of third class.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all counties of the third class in this state in which the prosecutor of the pleas now receives an annual salary each of the prosecutors of the pleas of such counties shall receive an annual salary of at least eight hundred dollars, to be paid to him in quarter annual payments.

To whom act to apply.

2. *And be it enacted*, That this act shall only apply to those prosecutors of the pleas whose term of office shall hereafter commence, or to either of those now in office, whose term does not expire, during the present year, who may file their assent in writing under their hand to the provisions of this act, in the office of the clerk of the county of which he is such prosecutor.

Repealer.

3. *And be it enacted*, That so much of all acts or parts of acts as relate to the amount of salary of the prosecutors of the pleas in the counties of the third class in this state, whether general, special or local, as come in conflict with the provisions of this act, be and the same are hereby repealed; *provided, however*, that nothing in this act contained shall in any wise be construed or held as reducing the salary of any of the prosecutors of the pleas in any of the counties of the third class in this state.

Proviso.

Salary to be in lieu of fees, &c.

4. *And be it enacted*, That the said salaries shall be in lieu of all fees, costs and compensation or allowance now

received by them, or to which the said prosecutors of the pleas shall be entitled, under existing laws; and all such fees, costs, compensation or allowances shall be taxed in all bills of costs, the same as now taxed, and shall be collected by the sheriffs of the several counties, and be by them paid over to the respective county collectors for the use of the said counties.

5. *And be it enacted*, That this act shall be a public act and shall take effect immediately.

Approved April 20, 1885.

CHAPTER CXCVIII.

An Act to enable townships to create and maintain a sinking fund.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township committee; or other governing body, by whatever name it may be called, of any township of this state, is hereby authorized to appropriate by ordinance or resolution such sum or sums of money as they may deem expedient that may be paid to said township in pursuance of the provisions of an act entitled "An act for the taxation of railroads and canal property," approved April tenth, one thousand eight hundred and eighty-four, to constitute a sinking fund for the payment and redemption of the principal of any obligations lawfully issued and now outstanding, and for the payment of which said township is lawfully bound; and after the passage of said ordinance or resolution by said township committee, the revenues or sum or sums of money so appropriated shall not be diverted to any other purpose or use until the said obligations shall have been paid, or until there shall have accumulated sufficient money to pay the obligations to which said sinking fund was pledged.

Township committee authorized to appropriate certain moneys for sinking fund.

2. *And be it enacted*, That, after the passage of said ordinance or resolution by said township committee, the president-Commissioners of sinking fund, now constituted

To fill vacancies.

Proviso.

Officers to keep amount assessed for payment of interest on bonded debt separate.

ing officer of said township committee and the two resident freeholders to be chosen by said township committee, upon the nomination of said presiding officer, shall constitute and be denominated "the commissioners of the sinking fund of the township of _____," as the case may be; they shall have power to fill such vacancies as may occur from time to time in their own number, except in the case of the presiding officer of said township, who shall be a member of said board *ex officio*; each of the commissioners shall, within thirty days after his appointment, take and subscribe the oaths of office prescribed by law for officers of said township.

3. *And be it enacted*, That it shall be the duty of the assessor or assessors of said township, of the receiver of taxes or other proper officer, in preparing the notices of taxes required by law, to assess, specify and keep separate and distinct from other items, the amount assessed for the payment of the interest upon the bonded debt of said township; which amount shall be specifically assessed and collected and described as "interest on sinking fund debt;" the said receiver or other proper officer shall keep his accounts of the same in separate and distinct columns, and shall designate the same specifically in his returns to the township treasurer; all proceedings in relation to the collection of the same and of the arrears thereof, shall in all other respects be the same as those in relation to the other township taxes; and the said township treasurer shall set apart out of the first moneys received by said township under the provisions of an act entitled "An act for the taxation of railroads and canal property," approved April tenth, one thousand eight hundred and eighty-four, such sum or sums of money appropriated by said township committee to the sinking fund under the provisions of this act; and said treasurer shall keep an account separately from his other accounts of all moneys collected and received by him as principal and interest on account of any assessments, for which bonds of said township shall have been issued, and which are a charge upon said sinking fund; and the said treasurer shall keep his account of all the moneys and revenues specified in this section and in this act separately from his other accounts, and shall hold and keep the said moneys and revenues to the credit of said commissioners, separate

and distinct from the moneys and revenues of said township, and shall pay over the same to the said commissioners of the said sinking fund, whenever the same shall be demanded of him by them or a majority of them; and all the moneys and revenues specified in this act upon the establishment of said sinking fund as herein provided, are hereby pledged and appropriated to the sinking fund of said township for the payment of the principal and interest of the bonded debt of said township,

4. *And be it enacted*, That the said commissioners shall have the entire control and management of the bonded debt of said township; they shall pay the interest thereon as it becomes due; all the surplus moneys that shall come into their hands above the amount needed to pay the interest as aforesaid, shall be safely invested by them, and applied towards the payment of the principal of the said debt; *provided, however*, that such part of the above debt, which may be redeemed or purchased by said commissioners, shall be thereupon cancelled by them until the maturity and final redemption thereof; but all the interest accruing on such redeemed and cancelled debt shall continue to be regularly assessed, levied and collected, and carried to the credit of said commissioners as hereinbefore provided; no part of the debt shall be purchased or redeemed at a price above the par value thereof; the said commissioners shall have power to make such rules and regulations from time to time respecting the management of said fund, not inconsistent herewith, as they shall deem expedient; they shall annually make to said township committee on the first day of December, or at such other time as the said township committee shall direct, a full and detailed report of the state of said fund; in case the said township committee shall desire to pay any portion of the bonded debt of said township before its maturity, from other funds in their control, the same shall be done through the said commissioners, who shall receive the said moneys from the township committee and redeem and cancel such of said bonds as they may direct, provided the same can be procured, and render a report thereof to the said township committee.

Commissioners
to have control
of bonded debt
of township.

Provide.

5. *And be it enacted*, That in case said commissioners find, at any time before the maturity of the said bonded debt, that the amount of moneys in their hands will enable them

When commis-
sioners have
sufficient money
to pay debt at
maturity report
to be made, &c.

to pay said bonded debt at their maturity, together with the interest thereon, they shall immediately thereupon report the said facts to said township committee, who shall thereupon cause to be levied the tax authorized for the payment of the interest upon said bonded debt, and shall repeal all ordinances or resolutions, raising any other moneys for the use of said sinking fund; and the said commissioners shall take such measures to call in and redeem said bonds as they may deem expedient.

Township committee to fix compensation of commissioners.

6. *And be it enacted*, That the said township committee shall, by ordinance or resolution fix the yearly compensation of said commissioners, which shall include and cover all the expenses of said office; and shall also, from time to time, determine the amount in which said commissioner shall give bond, and the number of their sureties; and the said commissioners, before entering upon or discharging the duties of their said office, shall execute a bond to the said township, in the corporate name thereof, in such an amount and with such number of sureties as aforesaid, conditioned for the faithful performance of all the duties of their said office, which bond shall be approved by the supreme court of this state, or any justice thereof.

Bond to be given.

Repealer.

7. *And be it enacted*, That all acts and parts of acts, general, public, local or special, inconsistent with this act, be and the same are hereby repealed, and this act shall take effect immediately.

Approved April 20, 1885.

CHAPTER CXCIX.

A Supplement to the act entitled "A supplement to the act entitled 'An act respecting the court of chancery,' (Revision) approved March twenty-seventh, one thousand eight hundred and seventy-five," which supplement was approved March one, one thousand eight hundred and seventy-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the act to which this act is a supplement be amended so as to read as follows:

[1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the clerk in chancery shall provide and furnish at the expense of the state, suitable rooms in the city of Newark for the vice-chancellors and the chancellor in the hearing of causes, and that the rent and expense thereof shall be ascertained and certified by the chancellor and paid by the treasurer of the state and shall not exceed fifteen hundred dollars per annum.]

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 20, 1885.

CHAPTER CC.

A Supplement to an act entitled "An act concerning disorderly persons," approved April ninth, eighteen hundred and seventy-five.

Person may be
arrested on
Sunday.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any constable having a warrant issued for the apprehension of any husband or father, as mentioned in the fifth section of the act and the supplements thereto, to which this act is a supplement, to arrest such person on the first day of the week, commonly called Sunday.

May be taken
before magis-
trate on Sunday.

2. *And be it enacted*, That it shall be lawful for said constable to convey such person so arrested before the magistrate issuing the warrant on the first day of the week, commonly called Sunday, whereupon all proceedings taken and had before such magistrate shall be as valid and legal as if had on any other day, and if a bond be given, it shall be of the same force and effect as if given on any other day.

3. *And be it enacted*, That this act shall take effect immediately.

Approved April 20, 1885.

CHAPTER CCI.

A Supplement to an act entitled "An act for the maintenance of bastard children," approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any justice of the peace on the first day of the week (commonly called Sunday), on proper application and examination to issue his warrant, or to endorse the warrant of any other justice, for the apprehension of any reputed father of a bastard child or of a child likely to be born a bastard. Justice may issue warrant on Sunday.

2. *And be it enacted*, That it shall be lawful for any constable having a warrant issued for the apprehension of any reputed father of a bastard child or of a child likely to be born a bastard to arrest such person on the first day of the week (commonly called Sunday) whether such warrant was issued on the first day of the week (commonly called Sunday) or on any other day. Constable may make arrest on Sunday.

3. *And be it enacted*, That when any such person shall be so arrested it shall be lawful for the constable to carry such person on the same day before the justice issuing or endorsing the warrant as the case may be, whereupon the usual proceedings as required by the act to which this is a supplement, may be had. Persons may be taken before justice on Sunday.

4. *And be it enacted*, That any and all proceedings had and taken on the return of such warrant shall be as legal and valid as if had and taken on any other day of the week; and if a bond be given it shall be of the same force and effect as if given on any other day. Proceedings valid.

5. *And be it enacted*, That this act shall take effect immediately.

Approved April 20, 1885.

CHAPTER CCII.

A Supplement to "An act for the formation of incorporated associations by the membership of fraternal societies in this state," approved February twenty-third, one thousand eight hundred and eighty-five.

Association may provide for increase in number of trustees.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any association created under this act to provide by its by-laws for an increase of the number of trustees of such association to twenty-one, and where such increase shall, by by-laws, be so made, the board now in office can fill the vacancies by appointment until the next annual meeting of stockholders.

May provide that each shareholder entitled to one vote.

2. *And be it enacted*, That it shall be lawful for the board of trustees, by their by-laws, to provide that each shareholder in said association shall be entitled to but one vote, and that stock, as such, shall not be voted at the annual meetings of the association; *provided, however*, that no by-law so providing shall become operative until submitted to and approved by the stockholders present and voting at an annual meeting of the association.

Proviso.

May increase capital stock.

3. *And be it enacted*, That it shall be lawful for such association, with the consent, in writing, of two-thirds of the stockholders in interest, to increase its capital stock to three hundred thousand dollars,

4. *And be it enacted*, That this act shall take effect immediately.

Approved April 20, 1885.

CHAPTER CCIII.

An act to authorize and empower cities owning and controlling water works to make a contract with any city, town or township in this state for the distribution and use of water.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any city of this state owning and controlling its own water works be and is hereby authorized and empowered to make such contract or contracts with any city, town or township in this state to distribute and supply such city, town or township in this state with water for its use and that of its residents or inhabitants in such manner and on such terms as the board having charge and control of the water department of such city may deem proper; *provided, however*, that no power conferred by this act shall be exercised till the board having charge of the finances of such city shall by resolution concur in any action in relation thereto.

City authorized
to contract for
distribution and
supply of water.

2. *And be it enacted*, That this act shall take effect immediately.

Proviso.

Approved April 20, 1885.

CHAPTER CCIV.

A Supplement to the act entitled "An act relating to the proceeds of real estate sold or taken by law," approved March eighteenth, anno domini one thousand eight hundred and fifty-eight.

Proceeds of real estate sold or taken by law may be paid into court of chancery.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any lands, tenements, hereditaments or real estate have heretofore been or shall hereafter be sold or taken upon compensation pursuant to any competent judicial authority or any law of this state, and the proceeds of such sale or the compensation for such taking have been or shall be paid into any court of this state other than the court of chancery, pursuant to such authority or law, and it shall appear to said court wherein the same have been or shall be paid that the interests of any person or persons entitled thereto or any part thereof, require or will be substantially promoted by the payment into the court of chancery of so much or such proportion of said proceeds or compensation as said court, wherein said money is paid, may determine belong to or should be reserved for the benefit of such person; it shall be lawful for such court to order the same paid into the said court of chancery, to be thence disposed of as ordered and directed by said court of chancery.

When person a ward of court,

2. *And be it enacted*, That upon filing said order in said court of chancery and payment of said money thereunder, the said person or persons shall, so far as relates to such property or money and its income, be considered a ward of the court of chancery.

Court may make rules to carry act into effect.

3. *And be it enacted*, That it shall be lawful for said court of chancery and all other courts of this state to make such rules, regulations and orders and establish such form of practice as shall be necessary and proper to fully carry this act into effect.

4. *And be it enacted*, That all acts or parts of acts inconsistent with this act, be and the same are hereby repealed, and that this act shall be deemed and taken to be a public act and shall take effect immediately. Repealer.

Approved April 20, 1885.

CHAPTER CCV.

An Act concerning cities.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the common council of any city or other like municipal body with general municipal powers to order and cause to be assessed and raised by tax in any one year for the general purposes of said city exclusive of school, library, poor, fire, and state and county taxes, in lieu of the amount now authorized to be raised for such purposes, any sum not exceeding one-half of one per centum of the assessed valuation of real and personal property in such city; *provided, however*, that nothing herein shall in anywise be construed or held to take away or limit any power now vested in any city to assess and raise by tax for such purposes any larger sum; *and provided further*, that this act shall not apply to or affect any city until the same shall have first been submitted to the legal voters of such city for their approval at an annual municipal election in said city and the same shall have been approved by a vote of a majority of all the votes cast at such election. Municipal authorities may order certain sum to be raised by tax for general purposes.

2. *And be it enacted*, That all laws, general or special, so far as they are inconsistent herewith, are hereby repealed, and this act shall take effect immediately. Repealer.

Approved April 20, 1885.

CHAPTER CCVI.

An Act for the incorporation of safe deposit and trust companies.

Persons may
associate to es-
tablish place of
safe deposit and
trust.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any number of persons not less than seven may associate themselves together to establish a place or places of safe deposit and trust within the state on the terms and conditions and subject to the liabilities prescribed in this act; the aggregate amount of the capital stock of any such company shall not be less than twenty-five thousand dollars nor more than two hundred thousand dollars, the whole amount of which as fixed shall be subscribed and twenty-five per cent. thereof actually paid in in cash before such company shall commence business.

Certificate of
incorporation,
what to specify.

2. *And be it enacted*, That the persons so associating shall, under their hands and seals make a certificate which shall specify the following matters:

I. The name they have assumed to conduct their business,

II. The amount of the capital stock as fixed by them and the number and par value of the shares thereof,

III. The names and residences of the share-holders and the number of shares held by each,

IV. The place or places where said association will conduct its business,

Where acknowl-
edged and re-
corded.

Which certificate shall be acknowledged before a master in chancery of this state and recorded in the office of the secretary of state, and upon the same being so recorded said association shall be a body corporate and entitled to all the rights and privileges as such under the laws of this state.

Powers and
authority of
association.

3. *And be it enacted*, That any association created under this act shall have full power and lawful authority to take and receive on deposit in trust and for safe keeping, stocks, United States bonds, jewelry, plate, money and other valuable property of every kind upon terms to be prescribed by

the by-laws of said association, and such association may collect coupons of or interest upon United States or other bonds, obligations or securities, when authorized so to do by parties depositing the same, and may make such special contracts as may be authorized by the by-laws for the taking of money or articles of property on deposit and the payment or return thereof and the interest thereon and the rate or percentage of charges payable to or collectable by said association.

4. *And be it enacted*, That the business of said association shall be conducted by a board of directors of not less than seven in number, who shall be stock-holders, and shall be elected annually at a stock-holders' meeting to be provided for in the by-laws of the association; said board of directors shall elect from their number a president, and shall provide for the election and appointment of such other officers and agents as may be necessary. Business to be conducted by board of directors.

5. *And be it enacted*, That this act shall take effect immediately.

Approved April 20, 1885.

CHAPTER CCVII.

An Act for the preservation of birds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no person shall at any time within this state, catch, kill, trap or expose for sale, or have in his possession after the same has been caught, killed or trapped, any night hawk, whip-poor-will, sparrow, thrush, meadow lark, skylark, finch, martin, swallow, woodpecker, robin, oriole, red or cardinal bird, cedar bird, wren, tanager, cat bird, blue-bird, snow bird, tern, gull or any insectivorous or song bird, not generally known as a game bird. Unlawful to catch, kill, &c., insectivorous birds.

2. *And be it enacted*, That person shall in the months of March, April, May, June, July or August in any year, within this state, knowingly or willfully molest, tear down or destroy Unlawful to destroy nest of wild bird during certain months.

of annually to the overseer or overseers of the poor of the township or city in which said intestate has so died or shall so die, to and for the use of the poor of the said township, or city; and shall, whenever applied to for that purpose, pay the principal of such personal estate, if thereto required, by the judgment or decree of any court of competent jurisdiction, within seven years next after the decease of such intestate, to his or her legal representative or representatives applying for the same, by assigning to him, her or them the bond or other security therefor, or by otherwise satisfying him, her or them for the same; and if no person or persons legally entitled to the personal estate of such intestate shall, within the said seven years next after his or her decease, make application as aforesaid to such administrator or administrators for the said principal, he, she or they so entitled shall, forever thereafter, be debarred from all right, title or claim to such decedent's personal estate, and the said administrator or administrators shall, immediately after the expiration of the said seven years, pay the whole of the said principal, with the interest that may then be due thereon, to the *overseer or overseers of the poor of the township, or city*, in which such intestate died, to and for the use of the said township, *or city*; *provided, always*, that the right of foreigners, by treaty or otherwise, shall not be affected by any thing in this section contained.]

Proviso.

Approved April 20, 1885.

CHAPTER CCXXIV.

An Act to authorize cities in this state to issue bonds for certain purposes.

Cities may issue bonds for certain purposes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the cities of this state to issue their corporate bonds for the following purposes:

CHAPTER CCVIII.

An act to provide for the erection of suitable monuments to mark the position of New Jersey Regiments upon the battle-field of Gettysburg.

I. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the governor and comptroller of this state are hereby empowered to cause to be erected upon the battle-field of Gettysburg, in the State of Pennsylvania, suitable monuments properly inscribed to mark the position of any of the New Jersey Regiments who took part in the battle of Gettysburg during the late war of the rebellion; that the expenses incurred for the said purpose shall not exceed the sum of twenty-five hundred dollars for the said monuments which may be erected in the discretion of the governor and comptroller upon or without application therefore by any of such regiments, and the governor is hereby empowered to make his requisition upon the state treasury for the expenses of the same and the comptroller shall draw his warrant therefor, which shall be paid by the state treasurer out of any monies in the treasury not otherwise appropriated.

Governor and
comptroller em-
powered to pro-
vide for erection
of monuments.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 20, 1885.

CHAPTER CCIX.

A Further Supplement to an act entitled "An act concerning conveyances," (Revision) approved March twenty-seventh, one thousand eight hundred and seventy-four.

Certain acknowledgments valid.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any acknowledgement taken before any person during the term for which such person was appointed a commissioner of deeds, after his removal from the ward for which he was appointed a commissioner of deeds into some other ward in the same city shall be held to be as valid and effectual as if taken while said commissioner resided in the ward for which he was appointed.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 20, 1885.

CHAPTER CCXI.

An Act fixing the compensation of commissioners constituting city boards having the control and management of the assessing and revising of taxes in the cities of this state.

Compensation of commissioners.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the commissioners constituting city boards having the control and management of the assessing and revising of taxes which now or may hereafter exist in any city of this state, and having more than one hundred thousand inhabitants, under the laws thereof and disconnected from the financial department of the city government, shall each receive and be paid, in lieu of any

per diem or other compensation which under any general or private act he may now receive an annual salary of eighteen hundred dollars, said salary to be paid in the same manner and at the same periods as the salaries of other officers of said cities are now paid; *provided, however*, that this act shall not apply where assessors are now paid a fixed salary. Proviso.

2. *And be it enacted*, That all acts and parts of acts inconsistent herewith be and the same are hereby repealed and this act shall take effect immediately. Repealer.

Approved April 20, 1885.

CHAPTER CCXII.

An act concerning hospitals.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New-Jersey*, That the affairs and management of the property and concerns of any corporation of this state incorporated under any general law of this state, or by a special charter, and including among the objects of its incorporation the care, nurture and maintenance of the sick, infirm, aged and indigent persons and orphans, half orphans and destitute children, may be conducted by a council or governing body consisting of residents of any county of this state; *provided*, that nothing herein contained shall change the title of such governing body or the number of individuals to compose such body. Affairs and management of corporation, by whom conducted. Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 20, 1885.

CHAPTER CCXIII.

A Supplement to an act entitled "An act to provide for the regulation and incorporation of insurance companies," (Revision) approved April ninth, one thousand eight hundred and seventy-five.

Section
amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the thirty-third section of the act to which this a supplement, be and the same is hereby amended so as to read as follows :

Companies may
hold and convey
real estate for
certain pur-
poses.

[33. *And be it enacted*, That any company organized by special charter of this state, or under the provisions of this act, shall be permitted to purchase, hold and convey real estate for the purposes (and no other) and in the manner herein set forth, that is to say :

1. Such as shall be requisite for its immediate accommodation in the transaction of its business ; or,

2. Such as shall have been mortgaged to it in good faith by way of security for loans previously contracted or for moneys due ; or,

3. Such as shall have been conveyed to it in satisfaction of debts previously contracted in the course of its dealings ; or,

4. Such as shall have been purchased at sales upon judgments, decrees or mortgages obtained or made for such debts ; and it shall not be lawful for any incorporated company, as aforesaid, to purchase hold or convey real estate in any case or for any other purpose ; and all such real estate as may be acquired as aforesaid, and which shall not be necessary for the accommodation of such company, in the convenient transaction of its business, shall be sold and disposed of within five years after such company shall have acquired title to the same ; and it shall not be lawful for such company to hold such real estate for a longer period than that above mentioned, unless the said company shall procure a certificate from the chancellor that the interests of the

company will suffer materially by a forced sale of such real estate, in which event the time for the sale may be extended to such a time as the chancellor shall direct in said certificate; *provided*, that nothing herein contained shall prevent ^{Proviso.} any insurance company from improving and conveying its real estate notwithstanding the lapse of five years as aforesaid, without having procured the certificate aforesaid.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 20, 1885.

CHAPTER CCXIV.

A Supplement to an act entitled "An act providing for additional powers and certain changes of certain localities governed by commissioners," passed April seventeenth, one thousand eight hundred and eighty-four

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in the absence of any provision in the act of incorporation of any place governed by commissioners, there shall be elected by the legal voters in such place at each annual election for members of such board of commissioners three commissioners of appeal, in cases of taxation, who shall possess the powers within such place, perform the duties, be subject to the same penalties, receive the same compensation, (to be paid by said board of commissioners) and sit at the same time as the commissioners of appeal of the several townships of this state. ^{Election of commission of appeal in cases of taxation in certain localities.}

2. *And be it enacted*, That in case of vacancy in said office occasioned by death, resignation, inability, disqualification, removal from office, or neglect or refusal to act or other cause, it shall be lawful for the board of commissioners of such place to appoint others in their stead to fill such office for the unexpired term thereof. ^{Vacancies, how filled.}

3. *And be it enacted*, That this act shall take effect immediately.

Approved April 20, 1885.

CHAPTER CCXXVI.

A Supplement to an act entitled "An act to regulate elections," approved April eighteenth, one thousand eight hundred and seventy-six, respecting election districts.

Township,
ward, &c.,
casting more
than six hun-
dred votes to be
divided into
election districts

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when, at any township, ward, city, county, state, congressional or national election, more than six hundred votes shall be or shall have been cast in any township or ward in any city not divided into election districts, or when in any election district, in any township or ward in any city more than six hundred votes shall be or shall have been cast at any such election, such township, ward in any city or election district shall forthwith be divided by the mayor and common council or township committee into two or more election districts, or, in lieu thereof, the boundary lines of any existing election district or districts may be changed, or such districts re-adjusted; *provided, however*, that each of such districts, after such division, change or re-adjustment, shall not contain more than six hundred, nor less than two hundred voters; and, in such division, change or re-adjustment, the geographical compactness of such districts and the convenience of the voters shall be first considered.

Proviso.

When divided
into districts,
&c., description
of boundary
lines to be filed.

2. *And be it enacted*, That at the time when any township, ward in any city or election district shall be divided into two or more election districts, or when the boundary lines of any election district or districts shall be changed or such districts re-adjusted, the mayor and common council or township committee shall forthwith cause a description of the boundaries of such new election district or districts, and of the election district or districts affected by such division, change or re-adjustment, to be filed in the county clerk's office, and a duplicate thereof in the office of the city or township clerk, as the case may be; and, in case any error shall be or shall have been made in fixing the boundary

assessment made in pursuance of said act shall be a lien, said commissioners may in the name of the township wherein said lands are located, bid upon the same to the amount of such assessment including interest and all fees, charges, and expenses of collection and sale; and in case no higher bid is made upon said lands, said commissioners may purchase the same in the name of such township, and the township committee of said township shall thereupon forthwith pay or cause to be paid to said commissioners the amount of such bid, and said township shall thereupon become vested with the same title in such lands as if the same had been sold for unpaid taxes,

2. *And be it enacted*, That if any commissioner heretofore or hereafter to be appointed under the provisions of said act shall borrow more money than shall be requisite or necessary for the purposes mentioned therein, they shall after the performance of all the duties enjoined upon them by said act pay into the treasury of the township in which such drained district lies, such surplus of such moneys as shall then remain in their hands for and on account of the assessment made under the provisions of said act against such township.

To pay surplus
of money bor-
rowed into
treasury of
township.

3. *And be it enacted*, That if any person or persons feeling aggrieved by the action of said commissioner shall appeal therefrom as provided in the twelfth section of said act, and upon such appeal a greater sum shall be awarded to such person or persons for land or property taken or used, or water rights or privileges injured or destroyed for the purposes mentioned in said act; or if the sums assessed for benefits upon land of such person or persons shall be reduced by such appeal, such excess awarded and such reduction of benefits shall be added to the sum assessed against said township; or if upon such appeal a less sum shall be awarded to such person or persons for lands or property taken or used or water rights or privileges injured or destroyed for the purposes mentioned in said act, or if the sums assessed for benefits upon the lands of such person or persons shall be increased by such appeal, such decrease awarded, and such increase of benefits shall be deducted from the sum assessed against said township.

Appeal from
action of com-
missioner.

4. *And be it enacted*, That in case upon such appeal a greater sum shall be awarded to such person or persons for lands or property taken or used or water rights or privileges

When greater
sum awarded
excess to be paid
out of township
treasury.

CHAPTER CCXXVIII.

An Act to authorize the appointment of assistants to city treasurers.

City treasurers
authorized to
appoint assis-
tants.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter, whenever the council, board of aldermen or other legislative body of any city of this state shall by resolution declare it necessary to employ an assistant city treasurer for the proper and efficient management of the public business by the city treasurer of such city, such city treasurer is hereby authorized and empowered to appoint an assistant city treasurer to hold office during the pleasure of the city treasurer.

Compensation
of assistant
treasurer.

2. *And be it enacted*, That the compensation of such assistant city treasurer when so appointed shall be fixed and determined by resolution of the council, board of aldermen, or other legislative body of such city which compensation shall not exceed twelve hundred dollars per annum, and shall not be increased or diminished within one year after the same has been so fixed and determined.

City treasurer
responsible for
acts of assistant.

3. *And be it enacted*, That the city treasurer of every city shall be held responsible for all acts and official conduct of the assistant city treasurer appointed by such city treasurer under authority of this act.

Repealer.

4. *And be it enacted*, That all acts and parts of acts, general, special or local, inconsistent with the provisions of this act be, and the same are hereby repealed and that this act shall take effect immediately.

Approved April 28, 1885.

2. *And be it enacted*, That no child under the age of fifteen years shall be employed by any person, company or corporation to labor in any business whatever, unless such child shall have attended, within twelve months immediately preceding such employment, some public day or night school, or some well recognized private school; such attendance to be for five days or evenings every week during a period of at least twelve consecutive weeks, which may be divided into two terms of six consecutive weeks each, so far as the arrangement of school terms will permit, and unless such child or his or her parents or guardians shall have complied with the provisions of the act approved March fifth, eighteen hundred and eighty-three, limiting the employment hours of the labor of children.

Child under fifteen years not to be employed unless school has been attended.

3. *And be it enacted*, That every parent, guardian or other person having charge or control of any child, from twelve to sixteen years of age, who has been temporarily discharged from employment in any business in order to be afforded an opportunity to receive instruction or schooling, shall send such child to some public or private day school for the period for which such child shall have been discharged, unless such child shall have been excused from such attendance by the inspectors of factories and workshops, or by the board of the school district for reasons as stated in section one hereof.

Certain children to be sent to school.

4. *And be it enacted*, That in case any parent, guardian or other person shall fail to comply with the provisions of sections one and three of this act, such parent, guardian or other person shall be deemed guilty of a misdemeanor, and shall, on conviction, be liable to a fine of not less than ten dollars nor more than twenty-five dollars for the first offence and of not less than twenty-five dollars for each subsequent offence, or to imprisonment for not less than one month nor more than three; the said fines, when paid, to be added to the public school money of said school district in which the offence occurred.

Penalty for failing to comply with provisions of act.

5. *And be it enacted*, That all children between the ages of seven and fifteen years, who are habitual truants from school, or who while in attendance at any public school, are incorrigible, vicious or immoral in conduct, and all children between the said ages who absent themselves habitually from school, and habitually wander about streets and public

What children deemed juvenile disorderly persons.

CHAPTER CCXXX.

An Act to amend an act entitled "A supplement to an act entitled 'An act concerning roads,' approved March thirteenth, one thousand eight hundred and seventy-nine," which supplement was approved February twenty-sixth, one thousand eight hundred and eighty.

Section
amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the act mentioned in the title of this act, as amended by the supplement in said title mentioned, be further amended so as to read as follows :

Election of over-
seers of high-
ways when
held.

[1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all townships in this state wherein the qualified voters of each road district for the time being are authorized to elect overseers of the highways for said districts respectively, such elections shall be held on the Thursday next succeeding the regular annual town meeting in each and every year, and the overseer in each road district shall set up two notices in writing in two public places in each road district of elections of overseers five days before the day herein fixed for such elections, and in case of the failure of any overseer to give such notice, or in case of the failure for any cause of the voters to elect an overseer, then the township committee shall appoint some suitable person to fill any vacancy.

Notice of.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 28, 1885.

in the school district in which the offence occurred, for such refusal or neglect, and upon conviction thereof said parent, guardian or other person, as the case may be, shall be punished by a fine of not less than ten dollars nor more than twenty-five dollars, or the court may in its discretion require the person so convicted to give a bond in the penal sum of one hundred dollars, with one or more sureties, to be approved by said court, conditioned that said person so convicted shall cause the child or children under his or her legal charge or control to attend some recognized school within five days thereafter, and to remain at said school during the term prescribed by law; *provided*, that if said parent or guardian, or other person in charge of said child shall prove inability to cause said child to attend said recognized school, then said parent or guardian or other person shall be discharged and said court shall, upon complaint of said truant officer or other person that said child is a juvenile disorderly person, as described in section five of this act, proceed to hear such complaint, and if the said court shall determine that said child is a juvenile disorderly person within the meaning of this act, then said court shall thereupon sentence said child to a juvenile reformatory until such child shall arrive at the age of sixteen years, unless sooner discharged by the board of control of said juvenile reformatory; *provided, however*, that such sentence may be suspended in the discretion of said court for such time as the child shall regularly attend school and properly deport himself or herself; *it is further provided*, that if for any cause the parent or guardian, or other person having charge of any juvenile disorderly person as defined in this act, shall fail to cause such juvenile disorderly person to attend said recognized school, then complaint against such juvenile disorderly person may be made, heard, tried, and determined in the same manner as is provided for in case the parent pleads inability to cause said juvenile disorderly person to attend said recognized school; *and it is further provided*, that no child under the age of nine years shall be sent to a juvenile reformatory under the provisions of this act.

Punishment of
parents, &c.,
on conviction.

Proviso.

Proviso.

Proviso.

Proviso.

8. *And be it enacted*, That it shall be the duty of the officers empowered, detailed or appointed under the provisions of this act to assist in the enforcement thereof, to institute or cause to be instituted proceedings against any

Officers may in-
stitute proceed-
ings against
parents, &c.

parent, guardian or other person having legal charge and control of any child or any person, company or corporation violating any of the provisions of the sections of this act; *provided*, this law shall not be operative in those school districts of the state where there are not sufficient accommodations to seat the children compelled to attend school under the provisions of this act; and that no prosecution shall be instituted against any parent, guardian or child unless they have received due notification from an officer empowered under this act that they are acting in violation of the provisions of this act.

What deemed
efficient school
in certain cases.

9. *And be it enacted*, That when there is not within the distance of two miles from the factory or shop in which a child under the age of fifteen years is employed, or from the residence of the child a recognized efficient school, attendance at a school temporarily approved by an inspector of factories and workshops shall for the purposes of this act be deemed attendance at a recognized efficient school and the inspector of factories shall immediately report to the education department every case of the approval of a school by him under this section.

What considered a weeks
schooling.

10. *And be it enacted*, That two weeks attendance of children between twelve and fifteen years of age at a recognized half time or evening school shall for all purposes of this act be counted as one week at a day school.

Proceedings
may be had
against corporation
violating
act.

11. *And be it enacted*, That when any of the provisions of this act are violated by a corporation, proceedings may be had against any of the officers or agents of said corporation who in any way participate in or are cognizant of such violation by the corporation of which they are the officers or agents and said officers or agents, shall be subject to the same penalties as individuals similarly offending.

12. *And be it enacted*, That all acts and parts of acts inconsistent with this act are hereby repealed, and that this act shall take effect on the first day of September, one thousand eight hundred and eighty-five.

Approved April 20, 1885.

CHAPTER CCXVIII.

A Supplement to an act entitled "An act for the more easy partition of lands held by copartners, joint tenants and tenants in common," approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where two or more parties to a suit now pending, or which may hereafter be commenced, in the court of chancery for the partition of lands, make it appear to the court, that they desire to enjoy their respective shares of the whole or any part of said lands in common with each other, it shall be lawful for the court, in its discretion, to direct partition to be so made as to set off to them their shares of the lands partitioned, without partition as between themselves, to be held by them in common; and where any party to any such suit for partition is a minor, under the age of twenty-one years, it shall be lawful for the court, in its discretion, and if it shall appear to be for the benefit of such minor, to direct partition to be so made as to set off to such minor, and to any other party or parties to such suit who may consent thereto, their respective shares in the lands partitioned, without partition as between themselves, to be held by them in common.

Partition of lands of parties to suit in chancery who desire to enjoy their shares in common.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 20, 1885.

CHAPTER CCXXXIII.

A Supplement to "An act to regulate the practice of courts of law," approved March twenty-seventh, one thousand eight hundred and eighty-four.

Section
amended.

Justice may
grant rule to
show cause why
venue should
not be changed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the two hundred and thirty-first section of said act be amended to read as follows, to wit:

[231. *And be it enacted*, That in causes commenced in the supreme court or removed therefrom to any other court a justice of the supreme court in vacation on application of the plaintiff or defendant and upon good cause shown may grant a rule to show cause before the said court at the next term why the venue should not be changed to some other county than that in which it is laid in the declaration and for the taking of depositions to be used on the argument of such rule, which rule shall be granted with or without a stay of proceedings as such justice may in his discretion in such order direct.]

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 28, 1885.

CHAPTER CCXXXIV.

An Act for the purchase of ground for the burial of dead bodies thrown upon the shores of this state by shipwreck.

Preamble.

WHEREAS, The laws of this state provide for the suitable burial at the public expense of the dead bodies of sea-

ed for the same, which fees may be assessed for revenue, and to adopt such rules, regulations and restrictions with reference to the conduct of all such places of amusement where roller skating is practised as to it shall seem proper.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 20, 1885.

CHAPTER CCXXI.

An Act to authorize the building of additions to school houses, and the construction of new school houses in townships of this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of township committee, or other legislative body of any township of this state, upon written notice duly served upon them by the board of education or other body having charge of the school affairs of such township that in their judgment it is necessary to build an addition to any school house in said township or to construct a new school house therein, in order to provide proper accommodation for the children of school age in said township; may proceed and cause said addition to such school house to be built, or may purchase lands and construct a new school house thereon, and shall furnish the same from time to time.

Township authorities may authorize construction of school houses.

2. *And be it enacted*, That to raise the funds required for the purposes aforesaid, the said board of township committee or other legislative body of any township of this state, are hereby authorized and empowered to issue in the corporate name of such township either coupon or registered bonds, bearing interest not exceeding the rate of six per centum per annum, payable semi-annually; the principal of the whole number of bonds issued for any of the purposes aforesaid shall be payable in ten annual payments from the date of the issue thereof; said bonds shall be signed by the president or chairman of said committee, and countersigned

May issue bonds to raise funds.

and registered where registered bonds are issued by the township clerk, and sold at public or private sale at not less than the par or face value thereof.

Bonds to be
provided for by
taxation.

3. *And be it enacted*, That it shall be the duty of the said board of township committee or other legislative body of any township of this state, to place in the annual tax levy of each year a sum sufficient pay the interest and extinguish the principal of said bonds as the same shall become due and payable, and apply the same to the purposes of this act, and to no other purpose whatever.

Repealer.

4. *And be it enacted*, That all acts and parts of acts, public, general, special or local, inconsistent herewith, be and the same are hereby repealed, and this act shall take effect immediately.

Approved April 20, 1885.

CHAPTER CCXXII.

An act authorizing boards of education in cities to increase the amount of taxes for school purposes in certain cases.

Boards author-
ized to increase
amount of taxes
for school pur-
poses.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the municipal board in any city authorized to determine annually what amount of tax shall be required for school purposes, shall have power to determine an amount not to exceed one-half of one per cent. of the taxable valuation of the real and personal property in any city in addition to the state school tax levied for that year; and such amount of tax so determined shall be assessed and collected at the same time and in the same manner with the taxes of the city assessed and collected for other city purposes; *provided*, that this act shall not take away from any city any power now existing to raise a larger amount of taxes for school purposes; and *provided further*, that this act shall not take effect in any city until the same shall have been first submitted to a vote of the qualified voters at any annual municipal election, and shall have re-

Proviso.

ceived the approval of a majority of those voting at such election.

2. *And be it enacted*, That all special charters and acts ^{Repealer.} limiting the amount to be raised for school taxes in any such city and all other acts or parts of acts inconsistent herewith be and the same are hereby repealed, and this act shall take effect immediately.

Approved April 20, 1885.

CHAPTER CCXXIII.

A Supplement to the act entitled "An act concerning executors and the administration of intestates' estates," (Revision) approved March twenty-seventh, anno domini eighteen hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the ninth section of an act entitled "An act concerning executors and administration of intestates' estate," approved March twenty-seventh, anno domini eighteen hundred and seventy-four, (Revision) be and the same is hereby amended so as to read as follows: ^{Section amended.}

[9. *And be it enacted*, That whenever any person has died or shall die intestate, within this state, and has left or shall leave no relations justly entitled to the administration of his or her personal estate, or who, if so entitled, has not claimed or shall not claim the same within fifty days after the death of such person so dying intestate, it shall be lawful for the ordinary, or the orphans' court, to grant letters of administration on such decedent's estate to any fit person or persons applying therefor, taking his, her or their bond for the faithful execution of the trust reposed in him, her or them; and such administrator or administrators shall, at the expiration of one year after the death of such intestate, put the surplus of said estate, after payment of debts and necessary expenses, out at interest, and pay the net interest or income there-

^{Administration of estate of person dying intestate leaving no relations, &c.}

of annually to the overseer or overseers of the poor of the township or city in which said intestate has so died or shall so die, to and for the use of the poor of the said township, or city; and shall, whenever applied to for that purpose, pay the principal of such personal estate, if thereto required, by the judgment or decree of any court of competent jurisdiction, within seven years next after the decease of such intestate, to his or her legal representative or representatives applying for the same, by assigning to him, her or them the bond or other security therefor, or by otherwise satisfying him, her or them for the same; and if no person or persons legally entitled to the personal estate of such intestate shall, within the said seven years next after his or her decease, make application as aforesaid to such administrator or administrators for the said principal, he, she or they so entitled shall, forever thereafter, be debarred from all right, title or claim to such decedent's personal estate, and the said administrator or administrators shall, immediately after the expiration of the said seven years, pay the whole of the said principal, with the interest that may then be due thereon, to the *overseer or overseers of the poor of the township, or city*, in which such intestate died, to and for the use of the said township, *or city*; *provided, always*, that the right of foreigners, by treaty or otherwise, shall not be affected by any thing in this section contained.]

Proviso.

Approved April 20, 1885.

CHAPTER CCXXIV.

An Act to authorize cities in this state to issue bonds for certain purposes.

Cities may issue bonds for certain purposes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the cities of this state to issue their corporate bonds for the following purposes:

First.—To pay any present outstanding indebtedness heretofore incurred for the purpose of paying any judgment obtained against such city for bonds of other places for which said city has become liable for by annexation of territory, where there does not now exist any other provision of law for the payment of such bonds by said city; said bonds to be made payable not more than twenty years from the date of their issue.

Second.—To provide for existing deficiencies which have heretofore arisen by reason of the failure of the city to collect from assessments made in such city for street improvements and sewers enough money to pay the interest on the bonds of the city issued for the payment thereof, this authority only to be exercised by said city where such assessments have been pledged or set apart as a fund for the payment and redemption of bonds heretofore issued to raise money to pay for said improvements; and these bonds shall be temporary bonds, and made payable not more than ten years from the date of their issue.

2. *And be it enacted*, That such bonds shall be issued by the authority of the mayor and common council or the board having charge of the finances of such city, under its corporate seal, from time to time, and the proceeds thereof, when received, shall be used for the purposes aforesaid; such bonds shall be of the denomination and be made payable at such time and place as the mayor and common council or other legislative body of such city shall determine, and shall bear interest at a rate not greater than six per centum per annum, and may be disposed of at any sum not less than par.

Bonds, by what authority issued, &c.

3. *And be it enacted*, That any fund or funds now pledged or set apart for the payment or redemption of the bonds or indebtedness, in lieu of which or in payment of which any of the bonds hereby authorized are issued, shall be and remain pledged and set apart as well for the payment and redemption of the bonds hereby authorized and issued in lieu thereof or in payment thereof and the interest to accrue thereon.

Funds pledged for payment of bonds.

4. *And be it enacted*, That if at any time hereafter a sufficient sum shall not be received by such city from the fund or funds so pledged or set apart for the payment and redemption of the bonds heretofore issued to meet and pay the annual interest which will accrue thereon, then it

When sufficient sum not received from funds pledged deficiency to be raised by tax.

shall be the duty of the mayor and common council or other legislative body of such city to provide therefor and supply the deficiency by placing the amount thereof in the annual tax levy; and no city availing itself of the provisions of this act shall hereafter have power to borrow money to meet deficiencies in interest or bond account unless they shall have first placed money in the tax levy sufficient to pay such deficiency; and the money placed in said tax levy for such purpose shall not be used for any other purpose whatever.

Sinking fund to be created.

5. *And be it enacted,* That for all bonds issued under the authority of this act a sinking fund shall be created by placing in the tax levy of such city, in addition to the annual interest on the bonds so issued, a sum not less than six per centum to pay the ten-year temporary bonds, and not less than three per centum to pay the twenty-year bonds, such per centum to be of the amount of said bonds issued under this act annually, which amount, when collected, shall be paid to the commissioners of the sinking fund of such city, to be by them invested and appropriated to the payment of the principal of such bonds.

Repealer.

6. *And be it enacted,* That all acts and parts of acts inconsistent with this act, be and the same are hereby repealed, and that this act shall take effect immediately.

Approved April 20, 1885.

CHAPTER CCXXV.

An Act to provide for the better care and protection of the public health.

Section amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That section second of an act entitled "An act concerning the protection of the public health and the record of vital facts and statistics relating thereto," approved March eleventh, one thousand eight hundred and eighty, which is as follows :

[2. *And be it enacted*, That all cities of over ten thousand inhabitants shall have one or more city health inspectors who hereafter in any new board or in any case of vacancy shall be appointed by the board of health], be amended so as to read as follows:

[2. *And be it enacted*, That every city, town or borough of over two thousand inhabitants shall have one or more health inspectors who hereafter in any new board or in any case of vacancy shall be appointed by the board of health.]

Certain cities, &c., to have health inspectors.

2. *And be it enacted*, That in any township of this state the only township board of health shall be the one directed and constituted under the act entitled "An act concerning the protection of the public health and the record of vital facts and statistics relating thereto," approved March eleventh, one thousand eight hundred and eighty, and that none of the powers conferred upon and belonging to the township boards of health under the laws of this state shall be exercised by any other board or committee in said township.

Township board of health.

3. *And be it enacted*, That the boards of health of each township in this state may spend annually a sum of one hundred dollars in the care of the public health in the township, and in addition thereto also fifty dollars for each thousand of all inhabitants over two thousand in said township as returned by the next preceding census, if in its judgment such expenditure shall be required for the purpose, and itemized bills for such expenditure having been approved by the president and secretary of said board shall be paid by the usual disbursing officer of the township, and in case, because of any emergency or of any special need for the protection of the public health, said board shall consider the expenditure of a greater sum necessary, the board shall so certify to the township committee, and with their consent and approval may incur such further expense as said committee may authorize, and if the funds at the disposal of the township committee are not sufficient to cover such expenditure the committee is hereby authorized to borrow money for the purpose on the credit of the township, and is directed to place the amount in the next annual tax levy and with the money so raised to pay the debt so incurred.

Authorized to expend money annually for care of public health.

4. *And be it enacted*, That in every township in which the state board of health shall by vote and notice thereof to the

Health inspectors may be appointed in certain townships.

township committee declare said township committee to need more sanitary oversight the township board of health shall appoint a health inspector, who shall be paid not less than fifty dollars a year for his services and as much in addition within the amount which the said board of health are hereinbefore authorized to spend as said board shall deem necessary or expedient.

Right of sanitary inspection of persons, &c., vested in state board of health.

5. *And be it enacted*, That the right of sanitary inspection of all persons and articles in transportation through the state, or of the cars, boats or other vehicles carrying them shall be lawful to be performed by the state board of health, its secretary, or its duly authorized inspectors or agents and that they shall have the same rights of inspection, procedure and control as would be and are had by the board of health of any county, township, city or other form of corporate government in which said transporting agent or agencies might be; and in the case of any epidemic becoming so serious or threatening as in the judgment of said board to require such measures, said state board may require the examination of vessels, cars, boats or other vehicles and of baggage and persons and enforce such detention or disinfection thereof as they shall publish and declare the safety of the public to demand.

State board of health may appoint inspectors

6. *And be it enacted*, That the state board of health may at an expense not to exceed two thousand dollars in any one year appoint yearly or for parts of a year inspectors who may be assigned to such duties as the interests of public health in any part of the state may require and may be appointed to aid in the execution of any of the laws which the state board of health is now authorized and directed to enforce and to make investigation as to local epidemics, nuisances, needs for drainage, neglects of sanitary laws, or as to the condition of school houses, tenements, manufactories, workshops, or public buildings belonging to the state or any county or city therein and as to those employed in them, and the state board of health and its agents shall have the same rights of inspection that belong to local boards of health and their inspectors under the laws of this state and said inspectors shall be allowed compensation and their actual traveling expenses from the moneys appropriated to the state board of health within the limit herein named in quarterly payments on the approval of their bills by the

Duties.

Compensation.

board of health, signed by the president and secretary, the same to be paid by the treasurer of the state on the warrant of the comptroller.

7. *And be it enacted*, That to meet the additional expenses indicated in this act and for the general purposes of securing care of the public health an additional appropriation for the present year of two thousand dollars is hereby made to said state board of health, the same to be payable by bills audited by the board, certified by the president and secretary thereof and approved by the governor, and in case any emergency of epidemic or of peril to the public health shall in the judgment of the state board of health require the expenditure of a larger amount the facts in evidence shall be presented to the governor, comptroller and treasurer of the state and they may authorize and approve such additional expenditure as in their judgment and that of the state board of health the safety, health and life of citizens of the state may demand.

Additional appropriation to state board of health.

Additional expenditure in case of emergency.

8. *And be it enacted*, That nothing in this act contained shall affect the powers of the board of health in any county having a county board of health or in any city where the board of health is not formed under the act entitled, "An act concerning the protection of the public health and the record of vital facts and statistics relating thereto," approved March eleventh, one thousand eight hundred and eighty.

Act not to affect certain boards of health.

9. *And be it enacted*, That this act shall take effect immediately.

Approved April 21, 1885.

CHAPTER CCXXVI.

A Supplement to an act entitled "An act to regulate elections," approved April eighteenth, one thousand eight hundred and seventy-six, respecting election districts.

Township,
ward, &c.,
casting more
than six hun-
dred votes to be
divided into
election districts

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when, at any township, ward, city, county, state, congressional or national election, more than six hundred votes shall be or shall have been cast in any township or ward in any city not divided into election districts, or when in any election district, in any township or ward in any city more than six hundred votes shall be or shall have been cast at any such election, such township, ward in any city or election district shall forthwith be divided by the mayor and common council or township committee into two or more election districts, or, in lieu thereof, the boundery lines of any existing election district or districts may be changed, or such districts re-adjusted; *provided, however*, that each of such districts, after such division, change or re-adjustment, shall not contain more than six hundred, nor less than two hundred voters; and, in such division, change or re-adjustment, the geographical compactness of such districts and the convenience of the voters shall be first considered.

Provided.

When divided
into districts,
&c., description
of boundary
lines to be filed.

2. *And be it enacted*, That at the time when any township, ward in any city or election district shall be divided into two or more election districts, or when the boundary lines of any election district or districts shall be changed or such districts re-adjusted, the mayor and common council or township committee shall forthwith cause a description of the boundaries of such new election district or districts, and of the election district or districts affected by such division, change or re-adjustment, to be filed in the county clerk's office, and a duplicate thereof in the office of the city or township clerk, as the case may be; and, in case any error shall be or shall have been made in fixing the boundary

lines of any election district or districts, the said mayor and common council, or township committee as the case may be, shall upon being informed thereof, forthwith investigate the same, and, if such boundary lines shall be found to be incorrect, they shall, without unnecessary delay, correct such error, and change said boundary lines, or re-adjust the districts affected thereby, and shall cause descriptions thereof to be filed as aforesaid.

3. *And be it enacted*, That when any new election district or districts shall be set off, or the boundary lines of any existing district or districts shall be changed, or such districts re-adjusted, the inspectors, judges and clerks of election who shall reside in such new district or districts, or in the district or districts affected by such division, change or re-adjustment, shall forthwith cease to hold office, and the mayor and common council or township committee shall without unnecessary delay select the place where the first election shall be held thereafter in each of said districts, and shall appoint two inspectors, one judge and one clerk of election for each of said election districts, who shall be residents of and entitled to vote in the districts in which they are appointed to act, and who shall serve until their successors are elected as provided by law, and one of said inspectors in each district shall be selected from each of the two political parties which shall have received the greater number of votes cast at the last preceding election.

When new district set off, &c., new election officers to be appointed.

4. *And be it enacted*, That all acts and parts of acts inconsistent herewith are hereby repealed, and that this act shall take effect immediately.

Repealer.

Approved April 28, 1885.

CHAPTER CCXXVIII.

An Act to authorize the appointment of assistants to city treasurers.

City treasurers
authorized to
appoint assis-
tants.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter, whenever the council, board of aldermen or other legislative body of any city of this state shall by resolution declare it necessary to employ an assistant city treasurer for the proper and efficient management of the public business by the city treasurer of such city, such city treasurer is hereby authorized and empowered to appoint an assistant city treasurer to hold office during the pleasure of the city treasurer.

Compensation
of assistant
treasurer.

2. *And be it enacted*, That the compensation of such assistant city treasurer when so appointed shall be fixed and determined by resolution of the council, board of aldermen, or other legislative body of such city which compensation shall not exceed twelve hundred dollars per annum, and shall not be increased or diminished within one year after the same has been so fixed and determined.

City treasurer
responsible for
acts of assistant.

3. *And be it enacted*, That the city treasurer of every city shall be held responsible for all acts and official conduct of the assistant city treasurer appointed by such city treasurer under authority of this act.

Repealer.

4. *And be it enacted*, That all acts and parts of acts, general, special or local, inconsistent with the provisions of this act be, and the same are hereby repealed and that this act shall take effect immediately.

Approved April 28, 1885.

CHAPTER CCXXIX.

An Act to amend an act entitled "A supplement to 'An act respecting county physicians,'" approved April twenty-first, eighteen hundred and seventy-six, which supplement was approved April fifth, eighteen hundred and seventy-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the act to which this is amendatory be and the same is hereby amended so as to read as follows : Section amended.

[1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when the board of chosen freeholders of any county in this state shall have appointed a county physician, under the provisions of the act to which this is a supplement, no coroner in such county shall be entitled to receive any fees for viewing the body of any deceased person, unless such view shall have been made upon the written order of the county physician of such county, pursuant to the provision of said act ; and said written order shall be attached to the bill of such coroner for such service, before such bill shall be audited or paid ; *provided*, that if the county physician's presence cannot be obtained within six hours after written notice given to the county physician by the coroner of the discovery of the death of any such deceased person, the coroner may proceed as if this act had not been passed ; but in such case affidavit must be made by the coroner of the giving of notice as above provided, such notice aforesaid to be served personally upon the county physician or left at his dwelling house or usual place of abode. Coroner not entitled to fees for viewing body without written order from county physician.

2. *And be it enacted*, That section two of the act to which this is amendatory be and the same is hereby repealed, Section repealed.

3. *And be it enacted*, That this act shall take effect immediately.

Approved April 28, 1885.

CHAPTER CCXXX.

An Act to amend an act entitled "A supplement to an act entitled 'An act concerning roads,' approved March thirteenth, one thousand eight hundred and seventy-nine," which supplement was approved February twenty-sixth, one thousand eight hundred and eighty.

Section
amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the act mentioned in the title of this act, as amended by the supplement in said title mentioned, be further amended so as to read as follows:

Election of over-
seers of high-
ways when
held.

[1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all townships in this state wherein the qualified voters of each road district for the time being are authorized to elect overseers of the highways for said districts respectively, such elections shall be held on the Thursday next succeeding the regular annual town meeting in each and every year, and the overseer in each road district shall set up two notices in writing in two public places in each road district of elections of overseers five days before the day herein fixed for such elections, and in case of the failure of any overseer to give such notice, or in case of the failure for any cause of the voters to elect an overseer, then the township committee shall appoint some suitable person to fill any vacancy.

Notice of.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 28, 1885.

CHAPTER CCXXXI.

An Act providing for appropriations for the New Jersey State Reform School.

WHEREAS, Under a former appropriation of two thousand ^{Preamble.} dollars the trustees of the Reform School of Jamesburg, commenced and have partially built a granary on the Reform School farm, which said granary is necessary to properly house the crops raised thereon;

AND WHEREAS, Said appropriation of two thousand dollars is exhausted and the said trustees cannot finish the said buildings;

AND WHEREAS, The buildings on said Reform School farm are all lighted by oil lamps, which are dangerous to life and property from explosions or other accidents, especially where so many boys are gathered together;

AND WHEREAS, The chief industry of said school is the manufacture of shirts, which is rather in the nature of menial service, and does not tend to exalt boyhood or manhood;

AND WHEREAS, It is believed that the boys sent to said Reform School should be employed in some more dignified and exalted labor, and that they should, if possible, be instructed in some trade which will be useful to them when they have left said school; therefore,

I. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That there be appropriated the sum of three thousand dollars to complete said granary, and the further sum of five thousand to be used by said trustees in erecting gas works to manufacture gas for use in said buildings on said Reform School farm, and the further sum of five thousand dollars to be expended by said trustees in establishing and maintaining different branches of industry, to teach the boys in said Reform School proper trades. ^{Appropriation for granary, &c.}

How paid.

2. *And be it enacted*, That the said several sums of money hereby appropriated shall be paid to the trustees of said Reform School by the comptroller of this state, drawing a warrant for the same on the treasurer in favor of said trustees.

Trustees to
make report to
next legislature.

3. *And be it enacted*, That the said trustees shall make an itemized report of all expenditures under said several appropriations to the next Legislature of this state.

4. *And be it enacted*, That this act shall take effect immediately.

I approve of the sum of three thousand dollars to complete said granary, as mentioned in section one of this act, and I disapprove of any further sums of money mentioned in this act.

LEON ABBETT,
Governor.

April 28, 1885.

CHAPTER CCXXXII.

An act concerning cities, regulating the manner of payment of awards for damages for lands taken for public streets.

Manner of pay-
ment of awards
for damages for
lands taken for
public streets.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where awards of damages for lands taken for public streets have been or shall hereafter be made, in any city or town in this state payment of such awards may be made in the following manner, viz. :

I. In case all the land of any owner shall be taken for such improvement, the award of damages therefor shall be paid as heretofore.

II. In case a part of the plot or contiguous plots of land of any owner shall be taken, the city may issue a bond in payment for each such award for the portion so taken, said bond to be payable in one year from the date of ratification of the said award for damages, to be issued under the corporate seal of the city, signed by the mayor and countersigned by

the city clerk, and shall state for what award it is issued, the number of the plot on the commissioners map, and shall indicate, by a short description or reference, the remaining portion of the said plot or contiguous plots belonging to the same owner at the time of making the said award, and shall contain such conditions as may be necessary to carry out the spirit and intent of this act, and such bond may be offset against any subsequent assessment of benefits for the said improvement assessed against or from the remaining portion of said plot or contiguous plots of ground; and if the assessments for benefits upon the remaining portion of said lands shall be less than amount of said bond, the city shall only be obliged to pay the difference between the amount of said award, as stated in said bond, and the assessment of benefits, together with the interest on such difference from the date of the ratification of the said award; and in case the assessments of benefits shall be greater than the said award for damages, the bond shall be offset against the said assessment, and upon the delivery of the same to the collector, he shall receipt for and cancel that amount on account of said assessment of benefits, and shall thereafter be entitled to collect only the difference between said award for damages and said assessment of benefits, together with interest on such difference from the date of confirmation of said assessment of benefits; and in case no assessment of benefits shall be made within one year from the ratification of such award for damages, the whole amount of such award mentioned in every such bond shall become and be due and payable, together with interest thereon from the date thereof.

2. *And be it enacted*, That whenever such bonds shall be executed and delivered or tendered, in the manner now prescribed in the charter of any such city, to the owner or owners of the lands for which such awards shall be made, the city shall have the full right to enter upon and take possession of such lands and carry out and complete such improvement. When city may enter upon lands and complete improvement.

3. *And be it enacted*, That this act shall be a public act and shall take effect immediately, and that all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed. Repealer

Approved April 28, 1885.

CHAPTER CCXXXIII.

A Supplement to "An act to regulate the practice of courts of law," approved March twenty-seventh, one thousand eight hundred and eighty-four.

Section
amended.

Justice may
grant rule to
show cause why
venue should
not be changed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the two hundred and thirty-first section of said act be amended to read as follows, to wit :

[231. *And be it enacted*, That in causes commenced in the supreme court or removed therefrom to any other court a justice of the supreme court in vacation on application of the plaintiff or defendant and upon good cause shown may grant a rule to show cause before the said court at the next term why the venue should not be changed to some other county than that in which it is laid in the declaration and for the taking of depositions to be used on the argument of such rule, which rule shall be granted with or without a stay of proceedings as such justice may in his discretion in such order direct.]

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 28, 1885.

CHAPTER CCXXXIV.

An Act for the purchase of ground for the burial of dead bodies thrown upon the shores of this state by shipwreck.

Preamble.

WHEREAS, The laws of this state provide for the suitable burial at the public expense of the dead bodies of sea-

men and other persons thrown upon the shores or coasts of this state by shipwreck ;

AND WHEREAS, By reason of the great extent and dangerous character of that portion of the coast of this state within the boundaries of the county of Ocean many bodies are thrown upon the shore, requiring careful burial with a view to subsequent identification by relatives or friends ;

AND WHEREAS, There is a lack of room in the local burial grounds for the interment of such bodies ; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the governor and comptroller of this state and William A. Crane, of the county of Ocean, be and they are hereby empowered to select within the said county a suitable site for a burial ground for such dead bodies as may be hereafter cast upon the shores or coasts of this state within the boundaries of said county, and to purchase the same and take title therefor to the state of New Jersey ; and the ground or site so selected and purchased shall be set apart for the sole use and purpose aforesaid ; *provided*, that the entire cost of the selection and purchase of the said site or ground and suitably enclosing the same shall not exceed the sum of five hundred dollars, and the comptroller of the state is hereby authorized to draw his warrant upon the state treasury for the sum necessary to carry out the purpose of this act.

Empowered to select site for burial ground,

Proviso.

2. *And be it enacted*, That it shall be the duty of the coroner who shall bury any body within the ground selected as aforesaid to make out a written statement containing the name of the ship or vessel, the date of the wreck, and the place where the same occurred, together with as full a description of the body as he can give, the time of burial and location of grave, and to record the same in a book for that purpose, and to preserve any letters, writings, coins, medals, keepsakes or other articles, which may serve as aids to the identification of the said body, and to exhibit them to any person seeking to identify relations or friends.

Coroner burying body to make statement

3. *And be it enacted*, That this act shall take effect immediately.

Approved April 28, 1885.

CHAPTER CCXXXV.

An Act to prevent a partner of a president or law judge of any county in this state from practising in any of the courts in which the said judge shall sit or preside.

Unlawful for partner of law judge to practice in county where law judge presides.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful for any practising attorney of this state to practice as attorney, counsel, proctor or otherwise, in any court in which any person who may be in partnership with him in the practice of law shall sit or preside as president or law judge.

Penalty.

2. *And be it enacted*, That any person violating the provisions of the first section of this act shall be deemed guilty of a misdemeanor, and shall for each offence be punished by a fine not exceeding one hundred dollars.

3. *And be it enacted*, That this act shall take effect immediately.

Approved April 28, 1885.

CHAPTER CCXXXVI.

A Further Supplement to "An act relative to sales of lands under a public statute or by virtue of any legal proceeding," (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four,

Sale not invalidated by omission to publish advertisement.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no sale of land heretofore made shall be invalidated by reason of the omission to publish the advertisement of such sale in two newspapers printed and published in the county in which such lands are sit-

uate at least four weeks successively once a week next preceding the time appointed for selling the same, but that any purchaser of lands at such sale shall be entitled to have a deed for the land so purchased, notwithstanding the sale was not duly advertised in two newspapers in the county in which such lands are situate, the full time now required by law ; *provided*, the present law has been fully complied with in all other particulars ; *provided, further*, that when the sale has been made by direction of the court of chancery of the state of New Jersey an order confirming such sale shall first be made by the chancellor thereof, which order shall be granted when the chancellor shall be satisfied that the land has been sold for a fair price ; and a deed so given shall operate to transfer the title of the land to the purchaser as fully as if the sale had been advertised in two newspapers of the county where the land is situate, the full length of time now required by law.

2. *And be it enacted*, That this act shall take effect immediately.

Approved April 28, 1885.

CHAPTER CCXXXVII.

A Supplement to the act entitled "An act to authorize the boards of chosen freeholders in the respective counties of this state to renew matured and maturing bonds," approved February twenty-seventh, eighteen hundred and eighty-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the board of chosen freeholders of any county in this state shall determine to renew the whole or any part of the said bonds which shall mature within two years from the date of the passage of the said act, to which this is a supplement, said boards may issue bonds which shall be made payable at periods of time not exceeding forty years from the date of issuing the same ;

*Empowered to
renew maturing
bonds.*

proviso.

provided, that no bond which shall be made payable at a period of time exceeding twenty years from the date thereof shall draw interest at a rate exceeding five per centum per annum; *and provided further*, that no bond which shall be made payable at a period of time exceeding thirty years from the date of issuing the same shall draw interest at a rate exceeding four per centum per annum.

Bonds not to be sold at less than par.

2. *And be it enacted*, That bonds issued under the provisions of this act shall in no case be sold at less than par.

3. *And be it enacted*, That this act shall take effect immediately.

Approved May 2, 1885.

CHAPTER CCXXXVIII.

A Supplement to an act entitled "An act to authorize the purchase of steam fire engines in incorporated towns, boroughs and commissions and providing means for the payment of the same," approved March ninth, eighteen hundred and seventy-seven.

Section amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the act to which this is a supplement be and the same is hereby amended to read as follows:

Lawful for authorities to purchase steam fire engine.

[1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the common council, board of commissioners or other governing board or body of any incorporated town, borough or commission in this state to purchase one or more steam fire engines and the necessary appliances to use the same at a cost not to exceed five thousand dollars each.]

Cost of

2. *And be it enacted*, That this act shall take effect immediately.

Approved May 2, 1885.

CHAPTER CCXXXIX.

An Act to regulate the acquiring of land for exclusive public uses by the state of New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever it shall be deemed by the legislature necessary to acquire land for the exclusive public use of the state of New Jersey commissioners shall be appointed by a statute duly passed for that purpose, designating by general description the land necessary to be acquired, and empowering and directing the commissioners therein and thereby appointed to acquire the same by a contract of bargain and sale to be made by them with the owners of the estate in fee simple in said land and such other persons as may hold or be entitled to special legal or equitable rights or easements in said land; and such statute shall fix and designate the limit of the purchase money to be paid therefor and prescribe the mode of payment thereof.

Proceedings to acquire land for exclusive public uses of the state.

2. *And be it enacted*, That in case the said commissioners shall be unable to agree with the owners of the estate in fee in said land and with the persons entitled to legal or equitable rights therein or easements therein or thereon, then the said commissioners shall be authorized and directed by said statute to take the fee of said lands and the rights and easements aforesaid for the public use of the state, first ascertaining the value thereof, upon due notice to all persons interested and upon making compensation for such lands, rights and easements, as the case may be, to the person or persons entitled thereto; and the moneys necessary to make such compensation shall be provided and appropriated in such statute to be paid out of the treasury of this state in the manner prescribed by said statute.

Proceedings when commissioners unable to agree with owners.

3. *And be it enacted*, That all roads, streets or alleys dedicated to public use, upon lands acquired hereafter by the state of New Jersey for exclusive public use by the state, shall be and the same are hereby declared to be vacated so

Roads and streets dedicated to be vacated.

soon as the said land shall be acquired for the public use of the state, and any statute hereafter passed for the acquiring of such land shall declare the vacation of any roads, streets or alleys over said land dedicated to the public use.

4. *And be it enacted*, That this act shall take effect immediately.

Approved May2, 1885.

CHAPTER CCXL.

An Act to facilitate the collection from fire insurance companies not organized under the laws of this state, but doing business herein, and from agents and brokers, of certain premiums for the benevolent funds of the several duly incorporated firemen's relief associations in this state.

Companies to report amount of premiums received to treasurer of firemen's relief associations, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That each fire insurance company, not organized under the laws of this state, that shall take insurance risks on property in this state, shall, on the first day of January and of July in each year, cause to be made, to the treasurer of the duly incorporated firemen's relief association of each city, town, borough, township or portion of a township, or fire district in which any property may be situated on which such company may have taken an insurance risk, a true return in writing, verified by the oath of an officer or representative of such company, showing the amount of all premiums received by such company, or agreed to be paid to said company, during the six months next preceding the respective times above set for the making of such returns, for insurance, by said company, against loss or injury by fire, upon property in such city, town, borough, township or portion of a township, or fire district; and such company shall, within one month after the respective times above provided for the making of said returns, pay to said treasurer the sum of two dollars upon each hundred dollars, and at that rate upon the amount of all such premiums re-

To pay tax on premiums.

ceived or agreed to be paid as aforesaid within said six months; and nothing herein contained shall in anywise alter or affect the making of such returns by any regularly appointed agents of such fire insurance company, or by any brokers, who may have placed any insurance in such company, nor the payment by them of such percentage, but any such payments, when brought to the notice of said company, may be accounted for by said company, under oath, and deducted from any payment made as aforesaid by said company; and if any such fire insurance company shall fail to comply with the foregoing provisions, or any of them, and if the same shall be reported to the secretary of state in writing, attested by the oath of the treasurer of any duly incorporated firemen's relief association in this state, the secretary of state shall forthwith revoke any certificate of authority issued to said company, and, until the provisions of this act shall have been complied with by such company, said company shall not have authority to transact further business in this state.

Act not to affect returns by agents or brokers.

Certificate of authority of company failing to comply with act to be revoked.

2. *And be it enacted*, That if any person residing or having an office or place of business in this state shall, in the capacity either of agent or broker, effect, or cause to be effected, any insurance, or shall receive any application for the effecting of insurance upon property in any city, town, borough, township or portion of a township, or fire district in this state, which now has, or may hereafter have, a duly incorporated firemen's relief association, and directly or indirectly shall place such insurance or cause the same to be placed in any fire insurance company not organized under the laws of this state, such agent or broker shall make a return to the treasurer of the duly incorporated firemen's relief association of the city, town, borough, township or portion of a township or fire district in which such property may be situated, on the first day of January and of July in each year, containing a just and true account, under oath of such agent or broker, of all premiums received by him, or by any other person for him, or agreed to be paid, during the six months next preceding the respective times above set for the making of such returns, for insurance against loss or injury by fire upon property in such city, town, borough, township or portion of a township or fire district, which insurance shall have been placed by him, or by any other person for him, or at

Agents and brokers to make return to treasurer of relief association.

To pay tax on
premiums

his request, in any fire insurance company not organized under the laws of this state; and such agent or broker shall, within one month after the respective times above provided for the making of said returns, pay to the said treasurer the sum of two dollars upon each hundred dollars and at that rate upon the amount of all such premiums received or agreed to be paid as aforesaid within said six months.

Agents and
brokers to keep
account of busi-
ness done.

3. *And be it enacted*, That each and every agent or broker, residing or having an office or place of business in this state, shall keep accurate books of account of all business done by him as such agent or broker, in which shall be put down the name of the insured, the date and expiration of the insurance, a description of the property insured, and a statement of its location, and the amount of the insurance, and of the premium paid therefor; and if any such agent or broker shall fail, neglect or refuse to comply with any of the provisions of this act, or in case any fraud or dishonesty in the returns (hereinbefore provided to be made by such agents and brokers) shall be apparent or become known, the treasurer of any duly incorporated firemen's relief association that may be injured thereby may obtain an order from the presiding judge of the court of common pleas of the county in which such association may be located, compelling such agent or broker to produce in said court his books of account aforesaid for examination by said court.

Penalty for fail-
ing to keep ac-
count, &c.

4. *And be it enacted*, That each and every agent or broker as aforesaid who shall fail, neglect or refuse to keep such books of account as aforesaid, or to produce the same in the court of common pleas of any county in this state as aforesaid upon an order of said court, or shall fail, neglect or refuse to make proper and accurate returns as hereinbefore provided, or to pay over the percentage due upon any premium as aforesaid, at the time and in the manner specified in this act, or who shall be found upon examination by said court to have made a false return of the business done by him, shall for each offence forfeit and pay over to the treasurer of any duly incorporated firemen's relief association that may be injured by such failure, neglect or refusal, or by the making of such false returns, the sum of five hundred dollars.

5. *And be it enacted*, That if any agent or broker shall fail, neglect or refuse to pay any percentage herein provided for, or to pay and satisfy any forfeiture or penalty adjudged to be due under the provisions of this act, and if the same shall be reported to the secretary of state in writing, attested by the oath of the treasurer of any duly incorporated firemen's relief association in this state the secretary of state shall forthwith revoke any certificate of authority previously issued under which such failure, neglect or refusal shall have occurred but such revocation of certificate shall not release any penalty or forfeiture previously incurred.

Certificate of authority of agent or broker failing to pay percentage, &c., to be revoked.

6. *And be it enacted*, That all sums of money now in the hands of or that may hereafter be received by the secretary of state, from fire insurance companies, on account of the license and tax of two per centum, and of all payments in lieu of said tax, as now are or hereafter may be required by law to be paid by such companies, shall be by him distributed, on or before the first day of July in each year, in equal shares to and among the treasurers of the several duly incorporated firemen's relief associations in this state; and no firemen's relief association, nor any of the officers thereof, shall share in the distribution of, nor be entitled to have or receive any part of said money, unless it and they shall, on or before the first day of April, in each year, file or cause to be filed with the secretary of state a sworn statement, showing the names of its representatives, visitors or trustees and other officers, with the amount of their respective fees or salaries, if any, also the names of its beneficiaries during or within the year next preceding such statement, the amount of money paid to each of such beneficiaries, also the receipts and expenses during such year, such expenses to be stated in detail, and the amount of money and other property in its possession at the date of making such statement, and how said money is invested or secured, or where it is deposited; and the secretary of state shall annually make a complete report, to the comptroller, of the amount of money distributed by him in accordance with the provisions of this act.

Distribution of moneys by secretary of state.

Associations not entitled unless sworn statement filed.

Annual report by secretary of state.

7. *And be it enacted*, That in case, in anywise howsoever, any person or persons, association or corporation, board or council shall have in possession or charge any such moneys, or any balance thereof, or any property purchased there-

Moneys and property in possession of person, corporation, &c., to be paid to relief association.

with, or any securities in which the same may have been invested, or if any person or persons, association or corporation may be indebted for the loan or deposit of such moneys, other than the duly incorporated firemen's relief associations in this state, or the treasurers thereof, then and thereafter, upon the legal organization and incorporation, by the active and exempt firemen of any city, town, borough, township or portion of a township or fire district of a firemen's relief association, or in case there shall already be therein any duly incorporated firemen's relief association, organized by such active and exempt firemen, there shall forthwith be paid over, assigned and conveyed to such firemen's relief association any money, accounts payable, property and securities, remaining in possession or charge of any person or persons, association or corporation, board or council whatever, for its use or otherwise, or any money, property or securities to which it may be entitled, at law or in equity, derived as aforesaid, and an account shall be given therewith of all moneys theretofore had and received by it or them, from the sources aforesaid, and of the disposition thereof, and all such moneys expended by it or them, other than for the benefit of indigent or disabled firemen or their families, shall also be paid over to such firemen's relief association on demand; *provided*, that this act shall not apply to or in any manner affect any funds which may have been or may hereafter be accumulated by any association heretofore organized by the exempt firemen of any city in this state, or by the volunteer firemen therein previous to or at or about the time of the organization therein of a paid fire department.

Proviso.

Not to alter reciprocal legislation.

8. *And be it enacted*, That this act shall not alter or abridge any reciprocal legislation existing between the different states of the United States, in regard to the per centage of taxes collected by the insurance department of this state, but said amount of premiums paid by any insurance company to the treasurer of any duly incorporated firemen's relief association in this state shall be deemed a part of said reciprocal tax to be collected by the insurance department of this state.

Acts repealed.

9. *And be it enacted*, That all acts and parts of acts inconsistent with this act, and especially the act entitled "An act to facilitate the collection of certain premiums for the benevolent funds of fire departments of cities, from fire in-

insurance companies not organized under the laws of this state, but doing business herein," approved March fourteenth, one thousand eight hundred and seventy-nine, and the several supplements thereto, approved respectively March first, one thousand eight hundred and eighty, March twelfth, one thousand eight hundred and eighty-one, March twenty-fifth, one thousand eight hundred and eighty-one, and May fourteenth, one thousand eight hundred and eighty-four, be and the same are hereby repealed and that this act shall take effect immediately.

Approved May 2, 1885.

CHAPTER CCXLI.

A Further Supplement to the act entitled "An act to secure to creditors an equal and just division of the estates of debtors who convey to assignees for the benefit of creditors," (Revision) approved March seventh, eighteen hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where assignment has heretofore been made for the benefit of creditors under the act to which this is a further supplement and the assignee has not for any reason made his final report within the time prescribed by law, it shall be lawful for said assignee to proceed in all things as he might have done if the time prescribed by law had not expired, *provided*, he shall file his final account within six months from the approval of this act. Time for assignee to file final account extended. Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved May 2, 1885.

CHAPTER CCXLII.

Supplement to an act entitled "A supplement to an act entitled 'An act respecting the compensation of the chancellor and the justices of the supreme court of this state,' approved March fourteenth, one thousand eight hundred and seventy-nine," which supplement was approved February ninth, one thousand eight hundred and eighty.

Section
amended.

Clerks, &c., to
include fees due
chancellor and
justice of
supreme court
in taxed bill of
costs.

To be paid
quarterly to
state treasurer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the third section of the act to which this is a supplement be amended to read as follows:

[3. *And be it enacted*, That it shall be the duty of the clerk of the supreme court, and of the county clerks and the surrogates of the several counties in this state, and of the clerk in chancery, and the secretary of state of this state, to charge and include in the taxed bill of costs, in every action or case in each and all of the courts of this state of which they are the clerk, respectively, and to collect from the attorneys therein, or from the other persons liable therefor, all moneys, costs or fees taxable in regard to or for the services of the said chancellor, chief justices and associate justices, respectively, under the laws now or hereafter in force respecting and fixing such costs or fees, or any allowance due either of them, and to pay the same quarterly out of the first money received or collected by them on each and every taxed bill of costs, or in each and every such action or case to the treasurer of this state for the use of the state.]

2. *And be it enacted*, That this act shall take effect immediately.

Approved May 2, 1885.

CHAPTER CCXLIII.

A Supplement to an act entitled "An act respecting licenses in cities, incorporated boroughs or police, sanitary and improvement commissioners, and incorporated camp-meeting associations or seaside resorts," approved March twenty-fifth, one thousand eight hundred and eighty-one.

I. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the act to which this is a supplement be amended so that the same shall read as follows: Section amended.

[I. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the common council, board of aldermen or other governing body of any city, incorporated borough or police, sanitary and improvement commission, incorporated camp-meeting association or seaside resort in this state to make and establish ordinances for the following purposes: to license and regulate cartmen, porters, hacks, cars, omnibuses, milk wagons, stages and all other carriages and vehicles used for the transportation of passengers, baggage, merchandise and goods and chattels of any kind; and the owners and drivers of vehicles and means of transportation, also auctioneers, common criers, hawkers, peddlers, pawnbrokers, junk shop keepers, keepers of bath houses, boarding houses, and news stands, sweeps, scavengers, traveling and other shows, circuses, theatrical performances, plays, exhibitions, concerts, skating rinks, itinerant venders of medicines and remedies and persons professing and practicing the healing art, and also the place or places and premises in which or at which the different kinds of business or occupation mentioned herein are or may be carried on or conducted; and to fix the rates of compensation to be paid therefor, and to prohibit all persons and places, and all vehicles unlicensed from acting, using or being used in said capacities, and for such uses and purposes and to fix and prescribe penalties for the

Lawful for authorities to establish ordinance to license certain persons.

violation of any such ordinance or ordinances, and that the fees for such licenses may be imposed for revenue; *provided*, that no person or persons shall be required to take out a license for the selling of any product of his farm situated in this state.]

2. *And be it enacted*, That this act shall take effect immediately.

Approved May 2, 1885.

CHAPTER CCXLIV.

An Act to revise and consolidate certain acts concerning chattel mortgages and to repeal the supplement on this subject, approved March twenty-fourth, one thousand eight hundred and eighty-one.

Mortgage to vest right of possession of chattels in mortgagee so far as to prevent removal, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every chattel mortgage shall vest in the mortgagee or owner thereof the right to the possession to the chattels therein described, so far as may be necessary for the purpose of preventing the removal thereof out of the county wherein they did lie at the time of the execution or delivery of such mortgage, and of recovering such chattels in case the same shall have been removed out of such county.

When chattels removed and recovered by legal proceedings, court may regulate disposition thereof.

2. *And be it enacted*, That when such chattels shall be so removed by any party and recovered by the mortgagee or owner of the mortgage by means of legal proceedings, or when the removal thereof shall be prevented by like proceedings, the court in which such proceedings are had may regulate the disposition of such chattels and prescribe such terms for the possession thereof by the mortgagee or other person interested therein as will protect the rights of such mortgagee or owner of such mortgage.

Not to apply to certain chattels.

3. *And be it enacted*, That the above provisions shall not apply to any vessel, rolling stock of railroads, or to any chattels which, in the ordinary use thereof at the time of the

execution of the mortgage, are taken from time to time out of the county wherein they did lie when so mortgaged.

4. *And be it enacted*, That every mortgage or conveyance intended to operate as a mortgage of goods and chattels hereafter made, which shall not be accompanied by an immediate delivery, and followed by an actual and continued change of possession of the things mortgaged, shall be absolutely void as against the creditors of the mortgagor, and as against subsequent purchasers and mortgagees in good faith, unless the mortgage, having annexed thereto an affidavit or affirmation made and subscribed by the holder or holders of said mortgage, his, her or their agent or attorney stating the consideration of said mortgage and as nearly as possible the amount due and to grow due thereon, be recorded as directed in the succeeding section of this act; *provided*, that nothing contained in this act shall be taken, construed or held to apply to any mortgage of personal property included in a mortgage of franchises and real estate heretofore or hereafter made by any railroad company and which hath been or shall be recorded or registered as a mortgage of real estate in every county in which such railroad, or any part of it is or shall be located, and it shall not be necessary to record as a chattle mortgage any such mortgage as is in this proviso described.

Mortgage void unless affidavit of mortgagee annexed.

Proviso.

5. *And be it enacted*, That the instruments mentioned in the preceding section, and not excepted in the proviso, shall be recorded in the clerk's office of the county wherein the mortgagor, if a resident of this state, shall reside at the time of the execution thereof, and if not a resident of this state, then in the clerk's office of the county where the property so mortgaged shall be at the time of the execution of such instrument; *provided*, that in any county where the officer of register of deeds exists, or hereafter may be created, such instruments shall be recorded in the office of such register.

When instruments recorded.

6. *And be it enacted*, That no chattel mortgage or conveyance intended to operate as a mortgage of goods and chattels shall be recorded unless the execution thereof shall be first acknowledged or proved, and such acknowledgment or proof certified thereon in the manner prescribed by the act entitled "An act respecting conveyances."

Mortgage not to be recorded unless execution acknowledged or proved.

7. *And be it enacted*, That the clerks and registers of the several counties of this state are hereby authorized to pro-

Clerks to provide books recording instruments.

How recorded.

vide suitable books, at the expense of their respective counties, in which to record the instruments by this act directed to be recorded; and it shall be the duty of the said clerks and registers to record such instruments in accordance with the provisions of this act; and the said clerks and registers shall respectively enter at the foot of the record of each mortgage and instrument so recorded, the time when such mortgage or instrument was received by him in his office to be recorded, and shall endorse on each mortgage and instrument when recorded as aforesaid the time when the same was delivered to him at his office to be recorded, and the book and page in which the same has been recorded, and shall thereupon deliver the same to the party entitled to it or to his order,

Mortgage to be indexed, &c.,

8. *And be it enacted*, That such chattel mortgages shall be properly indexed, and the records and certified copies thereof shall be evidence in the same manner and in like cases as the record of deeds, and the said clerks and registers shall be entitled to the same fees for recording and indexing such chattel mortgages, and for copying such records as they are entitled to for the recording, indexing and copying deeds.

Fees.

Mortgage hereafter recorded valid until canceled.

9. *And be it enacted*, That every chattel mortgage hereafter recorded pursuant to the provisions of this act shall be valid against the creditors of the mortgagor, and against subsequent purchasers and mortgagees from the time of the recording thereof until the same be cancelled of record in the manner now provided by law for cancelling of mortgages of real estate.

Mortgage heretofore recorded valid until canceled.

10. *And be it enacted*, That every chattel mortgage heretofore recorded according to the provisions of the act entitled "A further supplement to the act entitled 'An act respecting mortgages,' approved March twenty-seventh, one thousand eight hundred and seventy-four," which said further supplements were approved March the twelfth, one thousand eight hundred and eighty, and March twenty-fifth, one thousand eight hundred and eighty-one respectively, shall be valid as against the maker thereof and his creditors, and as against subsequent purchasers and mortgagees until the same be cancelled of record in the manner now provided by law for the cancelling of mortgages of real estate.

Fees of clerks and register for recording copies, &c.

11. *And be it enacted*, That the said clerks and registers shall be entitled to receive the same fees for recording said copies and statements and for indexing the same, and for

copies of such records as they are entitled to for the same services in the recording, indexing and copying of deeds.

12. *And be it enacted*, That if any one shall falsely swear or affirm in the making of any affidavit or affirmation provided for by this act, he or she shall be deemed guilty of perjury, and on conviction thereof shall be liable to all the penalties provided by law therefor.

Persons making false affidavit guilty of perjury.

13. *And be it enacted*, That a mortgagee of personal property in possession of the same, who, without consent of the owner of the claim secured by mortgage, and with intent to defraud, removes any of the property mortgaged out of the county where it was situated at the time it was mortgaged, or secretes, destroys, sells or exchanges the same without such consent, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than one thousand dollars, or imprisonment at hard labor not exceeding six months, or both, at the discretion of the court.

Mortgagee removing property, &c., without consent of owner of claim guilty of a misdemeanor.

14. *And be it enacted*, That sections thirty-six to forty-four, inclusive, being sub-division VII, entitled chattel mortgages, in the act entitled "An Act concerning mortgages," (Revision) approved March twenty-seventh, one thousand eight hundred and seventy-four, and the following supplements to said acts, namely: The supplement approved March nineteenth, one thousand eight hundred and seventy-eight; the supplement approved April fifth, one thousand eight hundred and seventy-eight; the supplement approved March twelfth, one thousand eight hundred and eighty; the supplement approved March twenty-fourth, one thousand eight hundred and eighty-one; and the supplement approved March twenty-fifth, one thousand eight hundred and eighty one, and the act entitled A supplement to an act entitled "An act concerning crimes," approved March twenty-seventh, one thousand eight hundred and seventy-four, which supplement was approved March nineteenth, eighteen hundred and seventy-eight, and that all acts and parts of acts inconsistent with this act be, and the same are hereby repealed; *provided*, that this repealer shall not affect any suit already begun nor affect or impair the lien or estate created by any chattel mortgage made in pursuance of any act hereby repealed.

Acts repealed.

Proviso.

15. *And be it enacted*, That this act shall be known and cited as the "chattel mortgage act, 1885."

Approved May 2, 1885.

CHAPTER CCXLV.

A Supplement to an act entitled "An act respecting the orphans' court and relating to the powers and duties of the ordinary and the orphans' court and surrogates," (Revision) approved March twenty-seventh, one thousand eight hundred and seventy-four.

Section
amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one hundred and fifty-nine of the act entitled "An act respecting the orphans' court and relating to the powers and duties of the ordinary and the orphans' court and surrogates," (Revision) approved March twenty-seventh, one thousand eight hundred and seventy-four, be and the same is hereby amended to read as follows:

Examinations
may be taken
before surrogate
or master in
chancery.

[159. *And be it enacted*, That all examinations to be taken and made use of at the hearing of any cause in the orphans' court of any county may be taken and reduced to writing before the surrogate of such county, or a master in chancery, which examinations shall be taken on ten days' notice of the time and place of taking the same, given by the party or his attorney to the opposite party or his attorney; and either of the parties may, in person or by his attorney, be present and examine and cross-examine such witnesses, and the examination so taken shall be of the like force and effect as if taken in the orphans' court before the judges thereof, and shall be filed with the clerk of the said court and read in evidence upon the hearing of the cause, saving all just exceptions.]

2. *And be it enacted*, That this act shall take effect immediately.

Approved May 2, 1885.

CHAPTER CCXLVI.

A Supplement to the act entitled "An act to complete the geological survey of this state," approved March thirtieth, one thousand eight hundred and sixty-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the annual appropriation of eight thousand dollars per annum for the completion of the geological survey of this state, made in the supplement to this act, which was approved February eighteenth, one thousand eight hundred and eighty, be further continued for five years. Annual appropriation continued for five years.

Approved May 2, 1885.

CHAPTER CCXLVII.

An Act concerning the use of moneys collected for permits issued by the health department of cities of this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any money collected by the health department of any city of this state for any permits issued by such department or any officer thereof may hereafter be used by such department to prevent the spread of disease, the abatement of nuisances and for like sanitary purposes within such city; all such moneys shall however be accounted for at the end of each fiscal year in a detailed written statement to the board or department of such city having control of the finances thereof; and any unexpended balance on hand at that time exceeding the sum of two hundred dollars shall be paid over to the city treasurer or Money collected for permits, how used, &c

other like officer entrusted with the keeping or custody of the moneys and securities of such city.

2. *And be it enacted*, That this act shall take effect immediately.

Approved May 2, 1885.

CHAPTER CCXLVIII.

An Act respecting the leasing of railroads.

Company not empowered to lease road or consolidate with foreign corporation without consent of legislature.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no company incorporated under the act entitled "An act to authorize the formation of railroad corporations and to regulate the same," approved April second, eighteen hundred and seventy-three, or under any other law or charter enacted or granted by the legislature of this state, shall have power to lease its road or franchises or any part thereof to any foreign corporation or to any resident of any other state, or to unite, consolidate or merge its stock, property, franchises or road or any part thereof with those of any foreign corporation or resident of any other state, until the consent of the legislature of this state shall have been first obtained thereto.

When company desires to lease road or affect consolidation draft to be submitted to legislature.

2. *And be it enacted*, That if any corporation aforesaid shall desire to execute such lease or effect such union, consolidation or merger as is mentioned in the first section of this act, it shall submit a draft of the proposed lease or of the detailed scheme of union, consolidation or merger as the case may be, to the legislature of this state for its consideration, and no such lease, union, consolidation or merger shall be of any effect whatever until the same shall have been approved by an act of the legislature passed for that purpose, nor until the corporation or corporations, person or persons, parties to such proposed lease, union, consolidation or merger shall first, and as a condition precedent to the same, file in the office of the secretary of state an agreement to be approved by the governor and attorney-general surrendering to the state all rights of exemption

Agreement surrendering right of exemption from taxation to be filed.

from taxation, and all privileges and advantages arising from any alleged contract establishing any special mode of taxation in respect to such parties, and agreeing further that such lease, union, consolidation or merger shall not in any wise affect or impair the right of the state to take the property of such parties thereto under any existing law of the state, and that any law affecting such parties shall be subject to alteration or repeal by the legislature.

3. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed, and that this act shall take effect immediately. Repealer.

Approved May 2, 1885.

CHAPTER CCXLIX.

A Further Supplement to the act entitled "An act authorizing the establishment of hospitals in the cities of the state," approved February twenty-third, eighteen hundred and eighty-three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section seven of the said act to which this is a supplement be so amended as to read as follows, that is to say: Section amended.

[7. *And be it enacted*, That there shall be raised in each annual tax levy of any city wherein said hospital is established, such amount as may be needed for the support and maintenance of said hospital, which shall be used only for the support and maintenance of such hospital.] Amount annually raised for support of hospital.

2. *And be it enacted*, That all parts of said original act and any supplement thereto inconsistent herewith shall be repealed, and this act shall take effect immediately. Repealer.

Approved May 2, 1885.

CHAPTER CCL.

An act to remove the fire and police departments in the cities of this state from political control.

Boards of fire
and police com-
missioners
created.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That there is hereby created and established in each of the cities of this state, which shall accept the provisions of this act, a board of fire commissioners and a board of police commissioners to whom respectively shall be entrusted the government, control and management of the fire and police departments therein, and the direction and control of all public fire and police matters respectively, subject to the inspection and supervision of the common council of such city as hereinafter provided.

How constituted
and appointed.

2. *And be it enacted*, That such respective boards of fire and police commissioners, shall [each] consist of four persons resident in such city, each of whom shall be nominated by the mayor of such city and appointed by him with the advice and consent of the common council thereof, as follows: At the first annual organization of the common council in each city of this state, after this act shall have been accepted by any city, the mayor thereof shall nominate four commissioners to compose each of said boards, two of whom in each of said boards, shall be selected from each of the two political parties, which shall have cast or polled the greatest number of votes at the last preceding municipal election, and such mayor shall present the names of such nominees to the common council of such city for confirmation, and in case of rejection of any or all of such nominees by such common council, the said mayor shall continue to present the name or names of duly qualified persons for confirmation as aforesaid, until all the members of such respective boards are duly appointed and confirmed as aforesaid; and said commissioners composing each of said boards and immediately after their said confirmation, shall, by lot, determine which of the said commissioners composing

Commissioners
to draw lots.

said respective boards, shall serve for one year, which for two years, which for three years and which for four years, and until their respective successors shall be severally appointed and confirmed, and thereupon a commission shall be issued to each of said commissioners by the mayor of such city in accordance with the result of such determination aforesaid, and at each annual organization of such common council thereafter, the mayor of such city shall nominate one commissioner for each of said boards, who shall be selected from the same political party as his respective predecessor to serve for four years, and until his or their respective successors shall be appointed and confirmed, and the said mayor shall present the name of such respective nominees to the common council of such city, for confirmation, and in case of the rejection thereof by such common council, the said mayor shall continue to nominate for such office, some duly qualified person until the said office of commissioner is duly filled, whereupon the incumbent thereof shall be duly commissioned by such mayor as aforesaid; *provided*, that at no time shall more than two commissioners composing either of said boards, belong to the same political party as aforesaid.

Mayor to issue commissions.

Proviso.

3. *And be it enacted*, That such boards of commissioners, respectively, shall be entitled to have and appoint a clerk, who shall keep a record of all their proceedings, and an account of all money received and expended, and said boards of commissioners, respectively, shall make detailed reports monthly to such common council.

Boards may appoint clerks.

Monthly report.

4. *And be it enacted*, That before entering upon the duties of such office, each of said commissioners and the clerk of said board, shall take or subscribe an oath or affirmation, before the clerk of such city, faithfully and impartially to perform the duties of such office, and each of said commissioners shall enter into a bond to the corporation of such city, in such sum not exceeding ten thousand dollars, with such sureties as may be designated or approved by the common council of such city, conditioned for the faithful performance of his duties as such commissioner.

Commissioners and clerks to take oath and give bond.

5. *And be it enacted*, That the common council of each city shall have the right to expel from office any of said commissioners therein on good cause shown, and after a trial of such commissioner before such common council, and

Common council may expel commissioners from office.

for such purpose such common council shall be fully authorized to summon, swear or affirm and examine witnesses, hear counsel and try and determine the charges against such commissioner as to said common council shall seem just.

Vacancies, how filled.

6. *And be it enacted*, That in case a vacancy occur in the said office of fire commissioner or police commissioner, such vacancy shall forthwith be filled for the remainder of such unexpired term, in the same manner as the original appointment was made and confirmed, such commissioner to be selected from the same political party as his predecessor.

Boards authorized to employ necessary persons.

7. *And be it enacted*, That the commissioners composing such board of fire commissioners and board of police commissioners be, and the said respective boards of fire and police commissioners, are hereby fully authorized and empowered to employ such persons as may be deemed necessary by said boards from time to time in their respective departments, and said boards are respectively authorized and empowered to declare vacant any or all of the offices or positions therein or thereunder, as to such board may appear best for the public interest in such department, including the chief officers of such department; *provided*, the appointment of chief engineer of such fire department and the chief of police of such police department, shall be approved by the common council of any such city; and said respective boards shall have power to make from time to time such by-laws, rules and regulations for the government of such board, and for the conduct and management of the affairs of such board and the department under its control, as to the members of such board shall seem proper; *provided*, such by-laws, rules and regulations are not contrary to the constitution and laws of this state or the provisions of this act.

Proviso.

Proviso.

Boards authorized to appoint employees of departments.

8. *And be it enacted*, That such board of fire commissioners shall be and is hereby fully empowered to designate, appoint or approve all the firemen or other persons employed in the fire department of such city; and the said board of police commissioners shall be fully authorized and empowered to designate, appoint or approve all the policemen or other persons employed in the police department of such city; and said respective boards shall have full power and right to suspend and to expel or discharge any person employed or appointed in or under the department under the control of such board, provided good cause shall be shown

for such suspension, expulsion or discharge after an investigation by such board.

9. *And be it enacted*, That each of such commissioners of such fire and police boards shall devote such time and attention to the duties of his office as the welfare of the department under his control and the public interest therein may require; and each of such commissioners shall receive an annual salary not exceeding two thousand dollars to be paid quarterly to such commissioners by such city and to be fixed and determined by the common council of such city.

Commissioners to devote sufficient time to duties.

Compensation of commissioners.

10. *And be it enacted*, That said boards of fire and police commissioners shall annually, or whenever a vacancy occurs, select one of their number to act as president who shall preside at their respective meetings, and in case of a vacancy in the offices of chief engineer or chief of police by removal, disability or otherwise, the president of the said boards respectively shall perform all the duties and possess all the powers of said respective positions during the continuance of such vacancy.

Election of president of boards.

May act as chief engineer or chief of police in case of vacancy.

11. *And be it enacted*, That the said respective boards of fire and police commissioners shall have power to fix and regulate the compensation of all officers, servants and employes of their respective departments, and each of said boards shall have power to appoint a surgeon from among the regularly graduated and licensed physicians of such city who shall be under the control of his respective board and subject to its rules and regulations.

Boards empowered to regulate compensation of employes and appoint surgeons.

12. *And be it enacted*, That the said boards of fire and police commissioners respectively shall have power to issue subpoenas in the name of the president of such respective board, and compel the attendance of witnesses upon any proceedings by virtue of its rules and regulations, and each member of said board is hereby authorized to administer oaths or affirmations in any matter or proceeding as aforesaid, and any wilful or corrupt swearing by any person before said respective boards shall be deemed perjury, and punishable in the same manner as is now prescribed by the statutes of this state in cases of perjury.

May issue subpoenas, &c.

13. *And be it enacted*, That in the month of January in each year the said boards of fire and police commissioners respectively shall estimate in detail the expenses of the fire and police departments for the ensuing year, and transmit

Boards to make annual estimate of expenses.

the same to the common council of such city, which body shall make provision for the assessment of the same in the tax ordinance of such year.

How salaries of employees paid.

14. *And be it enacted*, That in paying salaries of said respective fire and police departments a pay roll of each department shall be made out by the said commissioners thereof and submitted to the common council of such city, and such common council shall order warrants drawn on the city treasurer of such city for the amount thereof to the order of the president of such board of fire commissioners or police commissioners as the case may be, and it shall be the duty of the said president of such boards respectively to pay the officers and employees of his board according to the pay so made out and submitted to such common council.

How money for boards drawn.

15. *And be it enacted*, That no money shall be drawn from the treasury of any such city for the boards of fire or police commissioners aforesaid, except by warrant ordered by the common council, in pursuance of a requisition by such respective boards of commissioners.

Powers of members of police force.

16. *And be it enacted*, That the members of the police force employed by the board of police commissioners are hereby invested with all the powers applicable to sheriffs and constables of this state, except to serve civil process; they shall also be exempt from duty as jurymen and from military service during the time they shall remain members of such police force.

Commissioner may make arrest.

17. *And be it enacted*, That each of such police commissioners shall have full power to arrest without warrant, for breaches of the peace committed in their presence; and in every such case of arrest the person so arrested shall be forthwith taken before a proper judicial officer to be dealt with according to law.

Commissioner not to hold any elective office.

18. *And be it enacted*, That no fire or police commissioner shall accept or hold any other place of public trust or emolument within the elective franchise, unless he shall first resign his office of commissioner, and upon his acceptance of any such place his position as a member of such board shall become vacant.

Commissioner accepting reward, &c., guilty of a misdemeanor.

19. *And be it enacted*, That in case any fire or police commissioner appointed under this act shall take or receive any other reward, compensation or emolument for or in

respect of any service under this act, or for or in respect to any appointment to be made or voted on, or for or in respect of any vote to be given by him as such commissioner, he shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not to exceed two thousand dollars or imprisonment at hard labor for a term not to exceed two years, or both, at the discretion of the court before which such conviction is had.

How punished.

20. *And be it enacted*, That it shall be the duty of the common council of any city in this state wherein are established board of fire and police commissioners to provide such boards respectively with suitable and proper offices, quarters and accommodations, and to make such changes and alterations therein and to increase and enlarge the same whenever such respective boards shall so request such common council.

Common council to provide suitable offices for boards.

21. *And be it enacted*, That this act shall not apply to any city until its provisions shall be accepted by the voters of such city by a majority of the votes cast for or against said act at any charter or general election hereafter to be held in said city.

Act not to apply until provisions accepted by voters of city.

22. *And be it enacted*, That if a majority of those voting for the acceptance or rejection of this act shall be in favor of its acceptance, then this act shall go into effect immediately, and the provisions thereof shall be deemed to be accepted by such city, and such city shall be bound by the terms of this act; persons entitled to vote at any charter or municipal election shall express their assent to or rejection of this act by depositing their ballots in the box provided for depositing ballots at such election in the election precincts or districts or wards of any such city, and those who are in favor of the acceptance of this act shall each deposit a ballot containing the words "fire and police commission act accepted" written or printed thereon, and those who are opposed shall each deposit a ballot with the words "fire and police commission act rejected" written or printed thereon; and this acceptance or rejection may be expressed upon the ballot on which are the names of the ward, city, county or state officers, and no separate ballot shall be required for the purposes of this vote; there shall be a canvass on the return of the votes upon the question of such acceptance or rejection, made by the election officers in the same way and

If act accepted to take effect immediately.

How election conducted.

manner as for officers voted for at such election ; and if a majority of the votes cast for or against this act shall be found to be in favor of its acceptance, it shall then, but not otherwise, go into effect, and be binding upon such city wherein such vote shall have been taken.

Repealer.

23. *And be it enacted*, That all acts and parts of acts, general, special, local or private, inconsistent herewith, be and the same are hereby repealed, and this act shall take effect immediately.

Approved May 2, 1885.

JOINT RESOLUTIONS.

other like officer entrusted with the keeping or custody of the moneys and securities of such city.

2. *And be it enacted*, That this act shall take effect immediately.

Approved May 2, 1885.

CHAPTER CCXLVIII.

An Act respecting the leasing of railroads.

Company not empowered to lease road or consolidate with foreign corporation without consent of legislature.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no company incorporated under the act entitled "An act to authorize the formation of railroad corporations and to regulate the same," approved April second, eighteen hundred and seventy-three, or under any other law or charter enacted or granted by the legislature of this state, shall have power to lease its road or franchises or any part thereof to any foreign corporation or to any resident of any other state, or to unite, consolidate or merge its stock, property, franchises or road or any part thereof with those of any foreign corporation or resident of any other state, until the consent of the legislature of this state shall have been first obtained thereto.

When company desires to lease road or affect consolidation draft to be submitted to legislature.

2. *And be it enacted*, That if any corporation aforesaid shall desire to execute such lease or effect such union, consolidation or merger as is mentioned in the first section of this act, it shall submit a draft of the proposed lease or of the detailed scheme of union, consolidation or merger as the case may be, to the legislature of this state for its consideration, and no such lease, union, consolidation or merger shall be of any effect whatever until the same shall have been approved by an act of the legislature passed for that purpose, nor until the corporation or corporations, person or persons, parties to such proposed lease, union, consolidation or merger shall first, and as a condition precedent to the same, file in the office of the secretary of state an agreement to be approved by the governor and attorney-general surrendering to the state all rights of exemption

Agreement surrendering right of exemption from taxation to be filed.

from taxation, and all privileges and advantages arising from any alleged contract establishing any special mode of taxation in respect to such parties, and agreeing further that such lease, union, consolidation or merger shall not in any wise affect or impair the right of the state to take the property of such parties thereto under any existing law of the state, and that any law affecting such parties shall be subject to alteration or repeal by the legislature.

3. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed, and that this act shall take effect immediately. Repealer.

Approved May 2, 1885.

CHAPTER CCXLIX.

A Further Supplement to the act entitled "An act authorizing the establishment of hospitals in the cities of the state," approved February twenty-third, eighteen hundred and eighty-three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section seven of the said act to which this is a supplement be so amended as to read as follows, that is to say: Section amended.

[7. *And be it enacted*, That there shall be raised in each annual tax levy of any city wherein said hospital is established, such amount as may be needed for the support and maintenance of said hospital, which shall be used only for the support and maintenance of such hospital.] Amount annually raised for support of hospital.

2. *And be it enacted*, That all parts of said original act and any supplement thereto inconsistent herewith shall be repealed, and this act shall take effect immediately. Repealer.

Approved May 2, 1885.

CHAPTER CCL.

An act to remove the fire and police departments in the cities of this state from political control.

Boards of fire
and police com-
missioners
created.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That there is hereby created and established in each of the cities of this state, which shall accept the provisions of this act, a board of fire commissioners and a board of police commissioners to whom respectively shall be entrusted the government, control and management of the fire and police departments therein, and the direction and control of all public fire and police matters respectively, subject to the inspection and supervision of the common council of such city as hereinafter provided.

How constituted
and appointed.

2. *And be it enacted*, That such respective boards of fire and police commissioners, shall [each] consist of four persons resident in such city, each of whom shall be nominated by the mayor of such city and appointed by him with the advice and consent of the common council thereof, as follows: At the first annual organization of the common council in each city of this state, after this act shall have been accepted by any city, the mayor thereof shall nominate four commissioners to compose each of said boards, two of whom in each of said boards, shall be selected from each of the two political parties, which shall have cast or polled the greatest number of votes at the last preceding municipal election, and such mayor shall present the names of such nominees to the common council of such city for confirmation, and in case of rejection of any or all of such nominees by such common council, the said mayor shall continue to present the name or names of duly qualified persons for confirmation as aforesaid, until all the members of such respective boards are duly appointed and confirmed as aforesaid; and said commissioners composing each of said boards and immediately after their said confirmation, shall, by lot, determine which of the said commissioners composing

Commissioners
to draw lots.

said respective boards, shall serve for one year, which for two years, which for three years and which for four years, and until their respective successors shall be severally appointed and confirmed, and thereupon a commission shall be issued to each of said commissioners by the mayor of such city in accordance with the result of such determination aforesaid, and at each annual organization of such common council thereafter, the mayor of such city shall nominate one commissioner for each of said boards, who shall be selected from the same political party as his respective predecessor to serve for four years, and until his or their respective successors shall be appointed and confirmed, and the said mayor shall present the name of such respective nominees to the common council of such city, for confirmation, and in case of the rejection thereof by such common council, the said mayor shall continue to nominate for such office, some duly qualified person until the said office of commissioner is duly filled, whereupon the incumbent thereof shall be duly commissioned by such mayor as aforesaid; *provided*, that at no time shall more than two commissioners composing either of said boards, belong to the same political party as aforesaid.

Mayor to issue commissions.

3. *And be it enacted*, That such boards of commissioners, respectively, shall be entitled to have and appoint a clerk, who shall keep a record of all their proceedings, and an account of all money received and expended, and said boards of commissioners, respectively, shall make detailed reports monthly to such common council.

Boards may appoint clerks.

Monthly report.

4. *And be it enacted*, That before entering upon the duties of such office, each of said commissioners and the clerk of said board, shall take or subscribe an oath or affirmation, before the clerk of such city, faithfully and impartially to perform the duties of such office, and each of said commissioners shall enter into a bond to the corporation of such city, in such sum not exceeding ten thousand dollars, with such sureties as may be designated or approved by the common council of such city, conditioned for the faithful performance of his duties as such commissioner.

Commissioners and clerks to take oath and give bond.

5. *And be it enacted*, That the common council of each city shall have the right to expel from office any of said commissioners therein on good cause shown, and after a trial of such commissioner before such common council, and

Common council may expel commissioners from office.

for such purpose such common council shall be fully authorized to summon, swear or affirm and examine witnesses, hear counsel and try and determine the charges against such commissioner as to said common council shall seem just.

Vacancies, how filled.

6. *And be it enacted*, That in case a vacancy occur in the said office of fire commissioner or police commissioner, such vacancy shall forthwith be filled for the remainder of such unexpired term, in the same manner as the original appointment was made and confirmed, such commissioner to be selected from the same political party as his predecessor.

Boards authorized to employ necessary persons.

7. *And be it enacted*, That the commissioners composing such board of fire commissioners and board of police commissioners be, and the said respective boards of fire and police commissioners, are hereby fully authorized and empowered to employ such persons as may be deemed necessary by said boards from time to time in their respective departments, and said boards are respectively authorized and empowered to declare vacant any or all of the offices or positions therein or thereunder, as to such board may appear best for the public interest in such department, including the chief officers of such department ; *provided*, the appointment of chief engineer of such fire department and the chief of police of such police department, shall be approved by the common council of any such city ; and said respective boards shall have power to make from time to time such by-laws, rules and regulations for the government of such board, and for the conduct and management of the affairs of such board and the department under its control, as to the members of such board shall seem proper ; *provided*, such by-laws, rules and regulations are not contrary to the constitution and laws of this state or the provisions of this act.

Proviso.

Proviso.

Boards authorized to appoint employees of departments.

8. *And be it enacted*, That such board of fire commissioners shall be and is hereby fully empowered to designate, appoint or approve all the firemen or other persons employed in the fire department of such city ; and the said board of police commissioners shall be fully authorized and empowered to designate, appoint or approve all the policemen or other persons employed in the police department of such city ; and said respective boards shall have full power and right to suspend and to expel or discharge any person employed or appointed in or under the department under the control of such board, provided good cause shall be shown

for such suspension, expulsion or discharge after an investigation by such board.

9. *And be it enacted*, That each of such commissioners of such fire and police boards shall devote such time and attention to the duties of his office as the welfare of the department under his control and the public interest therein may require; and each of such commissioners shall receive an annual salary not exceeding two thousand dollars to be paid quarterly to such commissioners by such city and to be fixed and determined by the common council of such city.

Commissioners to devote sufficient time to duties.

Compensation of commissioners.

10. *And be it enacted*, That said boards of fire and police commissioners shall annually, or whenever a vacancy occurs, select one of their number to act as president who shall preside at their respective meetings, and in case of a vacancy in the offices of chief engineer or chief of police by removal, disability or otherwise, the president of the said boards respectively shall perform all the duties and possess all the powers of said respective positions during the continuance of such vacancy.

Election of president of boards.

May act as chief engineer or chief of police in case of vacancy.

11. *And be it enacted*, That the said respective boards of fire and police commissioners shall have power to fix and regulate the compensation of all officers, servants and employes of their respective departments, and each of said boards shall have power to appoint a surgeon from among the regularly graduated and licensed physicians of such city who shall be under the control of his respective board and subject to its rules and regulations.

Boards empowered to regulate compensation of employes and appoint surgeons.

12. *And be it enacted*, That the said boards of fire and police commissioners respectively shall have power to issue subpoenas in the name of the president of such respective board, and compel the attendance of witnesses upon any proceedings by virtue of its rules and regulations, and each member of said board is hereby authorized to administer oaths or affirmations in any matter or proceeding as aforesaid, and any wilful or corrupt swearing by any person before said respective boards shall be deemed perjury, and punishable in the same manner as is now prescribed by the statutes of this state in cases of perjury.

May issue subpoenas, &c.

13. *And be it enacted*, That in the month of January in each year the said boards of fire and police commissioners respectively shall estimate in detail the expenses of the fire and police departments for the ensuing year, and transmit

Boards to make annual estimate of expenses.

the same to the common council of such city, which body shall make provision for the assessment of the same in the tax ordinance of such year.

How salaries of
employees paid.

14. *And be it enacted*, That in paying salaries of said respective fire and police departments a pay roll of each department shall be made out by the said commissioners thereof and submitted to the common council of such city, and such common council shall order warrants drawn on the city treasurer of such city for the amount thereof to the order of the president of such board of fire commissioners or police commissioners as the case may be, and it shall be the duty of the said president of such boards respectively to pay the officers and employees of his board according to the pay so made out and submitted to such common council.

How money for
boards drawn.

15. *And be it enacted*, That no money shall be drawn from the treasury of any such city for the boards of fire or police commissioners aforesaid, except by warrant ordered by the common council, in pursuance of a requisition by such respective boards of commissioners.

Powers of mem-
bers of police
force.

16. *And be it enacted*, That the members of the police force employed by the board of police commissioners are hereby invested with all the powers applicable to sheriffs and constables of this state, except to serve civil process; they shall also be exempt from duty as jurymen and from military service during the time they shall remain members of such police force.

Commissioner
may make
arrest.

17. *And be it enacted*, That each of such police commissioners shall have full power to arrest without warrant, for breaches of the peace committed in their presence; and in every such case of arrest the person so arrested shall be forthwith taken before a proper judicial officer to be dealt with according to law.

Commissioner
not to hold any
elective office.

18. *And be it enacted*, That no fire or police commissioner shall accept or hold any other place of public trust or emolument within the elective franchise, unless he shall first resign his office of commissioner, and upon his acceptance of any such place his position as a member of such board shall become vacant.

Commissioner
accepting re-
ward, &c.,
guilty of a mis-
demeanor.

19. *And be it enacted*, That in case any fire or police commissioner appointed under this act shall take or receive any other reward, compensation or emolument for or in

respect of any service under this act, or for or in respect to any appointment to be made or voted on, or for or in respect of any vote to be given by him as such commissioner, he shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not to exceed two thousand dollars or imprisonment at hard labor for a term not to exceed two years, or both, at the discretion of the court before which such conviction is had. How punished.

20. *And be it enacted*, That it shall be the duty of the common council of any city in this state wherein are established board of fire and police commissioners to provide such boards respectively with suitable and proper offices, quarters and accommodations, and to make such changes and alterations therein and to increase and enlarge the same whenever such respective boards shall so request such common council. Common council to provide suitable offices for boards.

21. *And be it enacted*, That this act shall not apply to any city until its provisions shall be accepted by the voters of such city by a majority of the votes cast for or against said act at any charter or general election hereafter to be held in said city. Act not to apply until provisions accepted by voters of city.

22. *And be it enacted*, That if a majority of those voting for the acceptance or rejection of this act shall be in favor of its acceptance, then this act shall go into effect immediately, and the provisions thereof shall be deemed to be accepted by such city, and such city shall be bound by the terms of this act; persons entitled to vote at any charter or municipal election shall express their assent to or rejection of this act by depositing their ballots in the box provided for depositing ballots at such election in the election precincts or districts or wards of any such city, and those who are in favor of the acceptance of this act shall each deposit a ballot containing the words "fire and police commission act accepted" written or printed thereon, and those who are opposed shall each deposit a ballot with the words "fire and police commission act rejected" written or printed thereon; and this acceptance or rejection may be expressed upon the ballot on which are the names of the ward, city, county or state officers, and no separate ballot shall be required for the purposes of this vote; there shall be a canvass on the return of the votes upon the question of such acceptance or rejection, made by the election officers in the same way and If act accepted to take effect immediately.

How election conducted.

manner as for officers voted for at such election ; and if a majority of the votes cast for or against this act shall be found to be in favor of its acceptance, it shall then, but not otherwise, go into effect, and be binding upon such city wherein such vote shall have been taken.

Repealer.

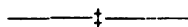
23. *And be it enacted*, That all acts and parts of acts, general, special, local or private, inconsistent herewith, be and the same are hereby repealed, and this act shall take effect immediately.

Approved May 2, 1885.

JOINT RESOLUTIONS.



JOINT RESOLUTIONS.



NUMBER I.

Joint Resolution relative to penal colonization.

I. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the senators and representatives in congress from this state be hereby requested to ask for a congressional inquiry into the fitness of a portion of the territory of Alaska for the purpose of a penal colony and the advisability of establishing such a colony for life or long-term convicts of the general government and of the several states, to the end that with equally complete sequestration of dangerous criminals and equally effective punishment there may be better secured the improvement or reformation of the convicts, the comfort of their families, and the interest of honest labor with which under the present penal system the labor of convicts must inevitably conflict in all parts of the country.

2. *And be it resolved*, That the governor be hereby requested to transmit a copy of the foregoing resolution to each of the senators and representatives of this state in congress.

Approved February 23, 1885.

NUMBER II.

Joint Resolution relating to the abolishment of quarantine dues upon certain vessels engaged in the coasting trade.

WHEREAS, under the laws of the State of New York, from the first day of April to the first day of November in each year, a quarantine charge of three or more dollars is levied upon each and every vessel engaged in the coasting trade sailing out of Cape Henry, Virginia, and some ports north of the same, at each entrance of such vessel into the waters of New York bay, and that under said quarantine regulations a vessel arriving at such quarantine station after sundown is compelled to anchor and wait until after sunrise before being boarded, or any attempt being made at same and allowed to proceed to her anchorage or dock, thereby losing advantage of favorable winds and tides, and resulting in serious detention and loss;

AND WHEREAS, the fees thus collected aggregate an enormous sum of money, and the detention caused in collecting same places a greivous burden and useless tax upon the commerce of our country;

AND WHEREAS, All vessels trading out of Cape Henry, Virginia, do not depart from any port where infectious and contagious diseases exist, and should not in any way be taxed and classed as vessels sailing from infectious and contagious ports;

AND WHEREAS, the state of New Jersey does not admit the right of the state of New York to impose such burdens upon its commerce; therefore;

I. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the governor of this state is hereby authorized and requested to take such action in the premises as will secure to the citizens of this state exemption from all such burdens.

Approved February 23, 1885.

NUMBER III.

Joint Resolution concerning the disposition of certain moneys now in the hands of the state treasurer.

WHEREAS, There is now in the hands of the state treasurer the sum of five hundred dollars, being the amount of money paid in an attempt to bribe a member of the assembly of eighteen hundred and eighty-two; therefore,

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the state treasurer be, and is hereby authorized and directed to place the said sum of five hundred dollars into the treasury of the state.

2. *And be it resolved*, That this resolution shall take effect immediately.

Approved March 23, 1885.

NUMBER IV.

Joint Resolution in relation to the New Jersey State Reform School at Jamesburg.

WHEREAS, There have been some complaints as to the management of the State Reform School;

AND WHEREAS, There is a desire to establish different branches of industry in said reform school in order that boys sent there may be instructed in proper trades;

AND WHEREAS, By one visit of the joint committee on reform schools and the members of the legislature, it is impossible to properly inquire into the management of said school in all its particulars and to devise a scheme where-

by the boys can be instructed in proper trades and obtain such knowledge about the said school whereby they can make proper changes, if necessary, in the management of said institution, or report a proper measure for introducing different branches of industry in said school ;

AND WHEREAS, The joint committee on reform schools are desirous of obtaining all the information possible as to the management of said institution and the employment of said boys ; now therefore

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the joint committee on reform school be authorized to sit after adjournment of the legislature and inquire into the management of said institution and make such suggestions to the board of trustees as to the government of said institution as they may think proper, and to make a report to the next legislature concerning their investigations of the management of said institution, and such other matters of importance as they may think proper.

Approved March 26, 1885.

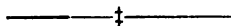
PROCLAMATIONS.



PROCLAMATIONS

BY

Leon Abbett, Governor of New Jersey.



PROCLAMATION BY THE GOVERNOR.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
TRENTON, AUGUST 9TH, 1884. }

The World's Industrial and Cotton Centennial Exposition, New Orleans, under the joint auspices of the United States of America, the National Cotton Planter's Association and the city of New Orleans, authorized the Governor of this State to appoint a Commissioner for New Jersey, who would attend to the duties of representing the state in connection with the Exposition. In pursuance of this authority I appointed Caleb Henry Barney, Esq., of Bergen county, as such commissioner.

The Exposition derives its national character from an act of Congress entitled "An act to encourage the holding of a World's Industrial and Cotton Exposition in the year eighteen hundred and eighty-four," approved by the President of the United States, February 10th, 1883. Under this act, which is substantially like the act under which the Philadelphia Centennial Exposition was held, the President issued a proclamation September 10th, 1883. The United States Government has, by legislation, provided for a loan of \$1,000,000, and the expenditure of \$300,000 additional for making a collective government exhibit. Nearly every state in the Union has made appropriations for a proper state exhibit, and I deem it of great importance to New

Jersey that its manufactures, agricultural interests, resources and advantages should be fully and properly presented to the attention of the citizens of the United States and other countries that will attend the Exposition.

The exhibit of our state at the Centennial of 1876 in Philadelphia was one highly creditable, and, I am convinced, was of advantage, not only to those engaged in manufacturing industries, but also to those engaged in other industries and occupations. I desire that the exhibit of our state in New Orleans in 1884 shall be equal, if not superior, to that in Philadelphia in 1876. To secure proper results it is necessary that our citizens shall personally and actively interest themselves in securing a proper exhibit, and to that end—

I issue this proclamation, urging upon all individuals and corporations and all state officials to aid in securing both individual and state exhibits that will reflect credit upon our commonwealth and the enterprise of its citizens.

I request the representatives of all the manufacturing and other industries of the state, the state officials and all citizens interested in the Exposition, to meet for consultation in the Executive Chamber, in the city of Trenton, August 19th, 1884, at 10 o'clock in the forenoon. I will be present with the State Commissioner and F. C. Morehead, Esq., the Commissioner General of the Exposition, to give all information desired. I shall at that time endeavor to secure the appointment of an Advisory Committee of our citizens to act with the State Commissioner in making our state exhibit one in which we shall all feel a just state pride.

Given under my hand and the Great Seal of
the State of New Jersey, at Trenton, this
[L. S.] ninth day of August, A. D., eighteen hundred and eighty-four.

LEON ABBETT.

By the Governor,
HENRY C. KELSEY,
Secretary of State.

PROCLAMATION BY THE GOVERNOR.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT, }

To the people of the State of New Jersey :

The laws of this State and of the United States punish with just severity illegal voting, bribery, corruption and attempts to intimidate voters.

I call upon all good citizens to aid the Executive in the enforcement of these laws. The jurisdiction of the State officials and the United States officers appointed to supervise the present election being concurrent under a decree of the Supreme Court of the United States, both should act in harmony, each seeking only the proper execution of the delicate duties entrusted to them.

Illegal voting may be attempted by organized bands of "repeaters" as well as by individuals; in whatever way it is attempted let the proper officials cause the immediate arrest of such parties.

Any attempt at bribery should be promptly met and punished.

Bribery is not only the direct offer of money for a vote, but it equally exists whenever any act is done by which a voter is corruptly influenced, no matter what the ostensible excuse may be.

If any corporation, by its managers, officers or agents, shall, by unlawful means, interfere with the election or prevent any qualified voter from freely exercising the right of suffrage, the Grand Juries both of the Federal and State courts will investigate and ascertain the fact, and the guilty parties will be punished.

If any employer of labor or other person, whether claiming to act under State or Federal authority, shall attempt to intimidate any voter or illegally influence his action, he

should be immediately complained of and a warrant issued for his arrest. I call upon the Prosecutors of the Pleas of each county to take such action as will detect crimes against the election laws, and cause the immediate arrest of every one found violating them or conspiring with others to do so.

As Governor, it is made my duty, by the constitution, to take care that the laws of the State upon this subject are faithfully executed. This duty I shall conscientiously and impartially perform.

I, Leon Abbett, Governor of New Jersey, do therefore enjoin upon all officers of the law within this State, the utmost vigilance in enforcing the statutes punishing illegal voting, bribery, corruption and intimidation of voters. I call upon all citizens to aid the officers of the law by their influence and assistance in securing an election free from intimidation, fraud or violence. The Executive will use the entire power of the state to secure that result.

Given under my hand and the great seal of the State of New Jersey, at Trenton, this First day of November, in the year of our Lord one thousand eight hundred and eighty-four.

LEON ABBETT.

By the Governor,

HENRY C. KELSEY, *Secretary*.

PROCLAMATION BY THE GOVERNOR.

In accordance with a long-established custom, the Executive of the State sets apart each year a day of thanksgiving and prayer, so that the people may rest from their labors and assemble in places of religious worship and in their homes, to give thanks to the Almighty God for His great kindness, and to pray that He will keep the evil days far from us and bless us with abundance and prosperity.

I, Leon Abbett, Governor of the State of New Jersey, do therefore designate THURSDAY, the 27th day of November, as a day of public thanksgiving and prayer; and recom-

mend that the people, abstaining from their usual vocations, **g**ive thanks to Almighty God for His infinite mercy and **g**oodness to us in the past, and to pray that in the future he **w**ill bless the nation, the State and the homes of our people.

Given under my hand and seal at the Executive

Chamber, in the city of Trenton, this 15th day of November, in the year of our Lord one thousand eight hundred and eighty-four, and of the independence of the United States the one hundred and ninth.

[SEAL.]

[Signed.] LEON ABBETT,

Attest :

Governor.

WILLARD C. FISK, *Private Secretary.*

PROCLAMATION BY THE GOVERNOR.

STATE OF NEW JERSEY, }
EXECUTIVE DEPARTMENT, }

The Legislature of this state adopted, and on the twenty-first day of February, eighteen hundred and eighty-four, I approved the following Joint Resolution :

“Joint Resolution relative to the Planting of Forest Trees.”

“1. Be it resolved by the Senate and General Assembly of the State of New Jersey, That the Governor be and he is hereby authorized to issue a proclamation annually setting apart a day in April for the planting of forest trees, and recommending that the day be devoted by the people to that purpose.

“2. And be it resolved, That this resolution take effect immediately.”

Now, therefore, pursuant to the foregoing resolution, I do hereby set apart FRIDAY, April twenty-fourth, eighteen hundred and eighty-five, for the planting of forest trees,

and recommend that the day be devoted by the people to that purpose.

In testimony whereof I have hereunto set my hand,
and caused the great seal of the state to
[L. S.] be hereunto affixed, at Trenton, this sev-
enth day of April, eighteen hundred and
eighty-five.

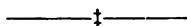
LEON ABBETT.

By the Governor,
HENRY C. KELSEY,
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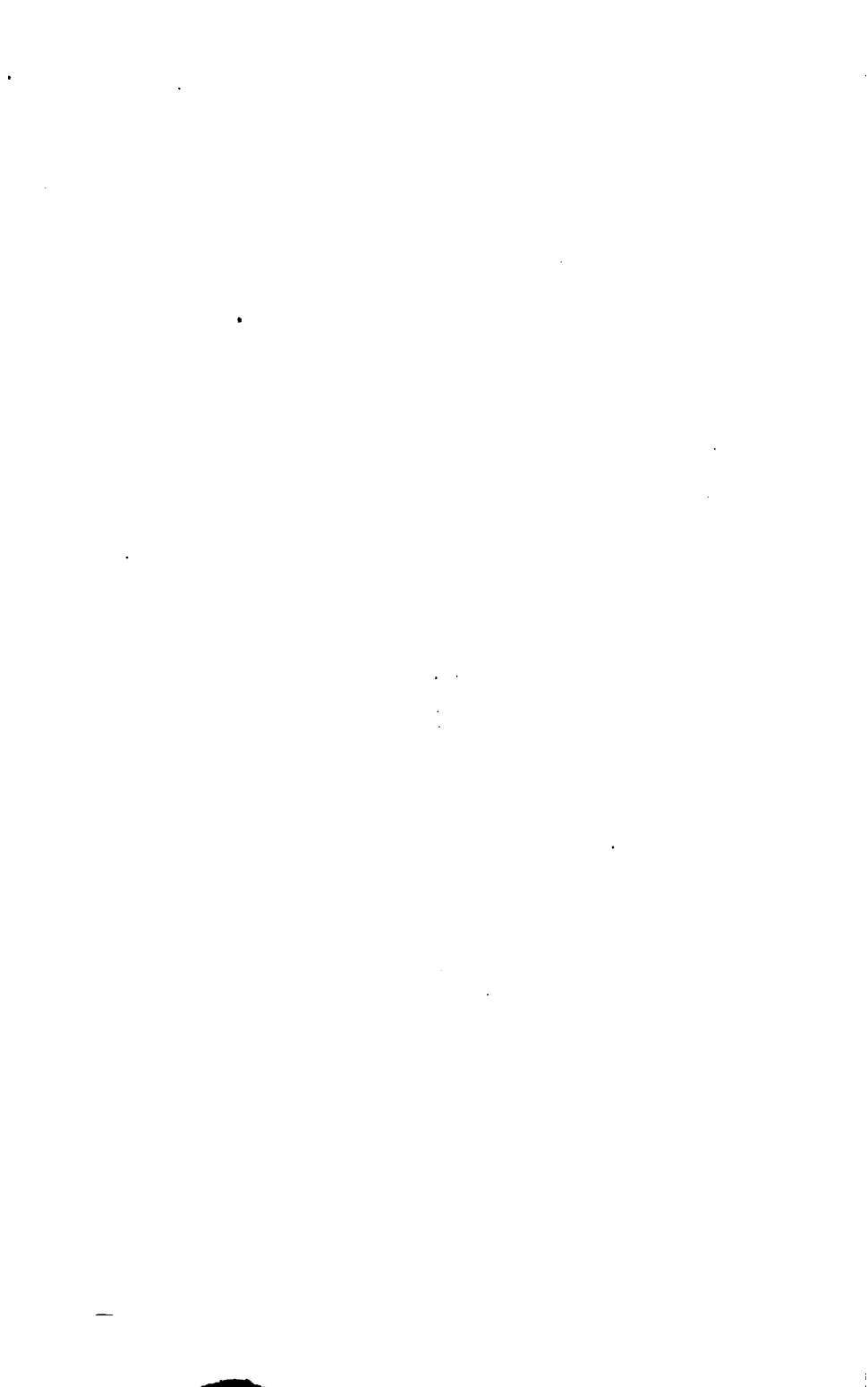
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SPECIAL PUBLIC LAWS.



SPECIAL PUBLIC ACTS

PASSED OF THE

One Hundred and Ninth Legislature

CHAPTER XII.

An Act to repeal an act entitled "An act to provide for the working of roads in the township of Lodi, in the county of Bergen," approved March twenty-one, one thousand eight hundred and seventy-one, and the supplements thereto.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That an act entitled "An act to provide for the working of roads in the township of Lodi, in the county of Bergen," approved March twenty-first, A. D. eighteen hundred and seventy-one, together with the supplements thereto, be and the same is hereby repealed. Acts repealed.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 12, 1885.

CHAPTER XIX.

An Act to set off a new township in the county of Cumberland, to be called the township of Lawrence.

Boundaries of township.

I. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the township of Fairfield in the county of Cumberland, lying within the boundaries following, to wit: Beginning at a stone standing in the east side of the public road leading from Fairton to Cedarville, where Blews' run crosses said road, and running thence north sixty-seven degrees and twenty-four minutes, east four hundred and four rods to a stone; thence north sixty-seven degrees, east thirteen hundred and eighty rods to a stone monument standing in the line of Fairfield township and the city of Millville (south twenty-two degrees ten minutes east, twenty-five rods fifteen links from the road leading from Fairton to Millville); thence southerly along the line between Fairfield township and the city of Millville to the north branch of Buckshutem run; thence down said run the several courses thereof to the main Buckshutem run where it is joined by Joshua's branch; thence up Joshua's branch the several courses thereof to a stone monument set by the north side of an old road leading from John Banks' to Joseph Bailey's, it being the line between Fairfield and Downe townships; thence along said line southwesterly to the head of Page's run, or Autuxent creek; thence down said creek the several courses thereof to the mouth thereof at Delaware bay; thence up the bay its several courses to the mouth of Back creek; thence up the said creek the several courses thereof to Ogden's creek; thence up Ogden's creek to the first branch of said creek on the east; thence up said branch the several courses thereof (south of James B. Parvin's farm) to Blew's branch; thence up said branch to the place of beginning, shall be and hereby is set off from the said township of Fairfield, and made a separate township to be called the township of Lawrence.

2. *And be it enacted*, That the inhabitants of the township of Lawrence shall be and they are hereby constituted a body politic and corporate, and shall be styled and known by the name of "The Inhabitants of the township of Lawrence in the County of Cumberland," and shall be entitled to all the rights, powers, authority, privileges and advantages, and subject to the same regulations, government and liabilities as the inhabitants of the other townships in the county of Cumberland.

Township incorporated.

Name.

3. *And be it enacted*, That the inhabitants of the said township of Lawrence hereby created shall hold their first annual town meeting at Bateman's hall, in the village of Cedarville, on the day appointed by law for holding the annual town meetings in the other townships of the county of Cumberland, and annually thereafter at such place in the said township of Lawrence as a majority of the legal voters of said township shall determine; that at their said town meetings they shall vote by ballot until it shall be otherwise determined according to law, and that the provisions and restrictions of an act entitled "An act to authorize the inhabitants of the several townships in this state to vote by ballot at their town meetings," approved March twenty-second, one thousand eight hundred and sixty, and of the supplement thereto shall apply to the inhabitants of the township of Lawrence.

Annual town meeting.

Act applicable.

4. *And be it enacted*, That Franklin Lawrence be and hereby is appointed judge of election, and Frank M. Bateman and William A. Mayhew are hereby appointed inspectors of election, to hold and preside over the first town meeting, and Henry S. Long is hereby appointed township clerk of said township of Lawrence; the above named persons to hold their respective offices until their successors are elected or qualified in their stead; *provided*, that in case of the absence or inability of any of said persons so appointed by this act, a majority of the legal voters present may fill such vacancy.

Judges of election and township clerk.

Proviso.

5. *And be it enacted*, That the inhabitants of said township of Lawrence shall elect at their first annual town meeting such officers as are authorized to be chosen in the other townships of the county of Cumberland, and shall vote on the same ballots for the amount of money to be raised for

What officers elected at first town meeting.

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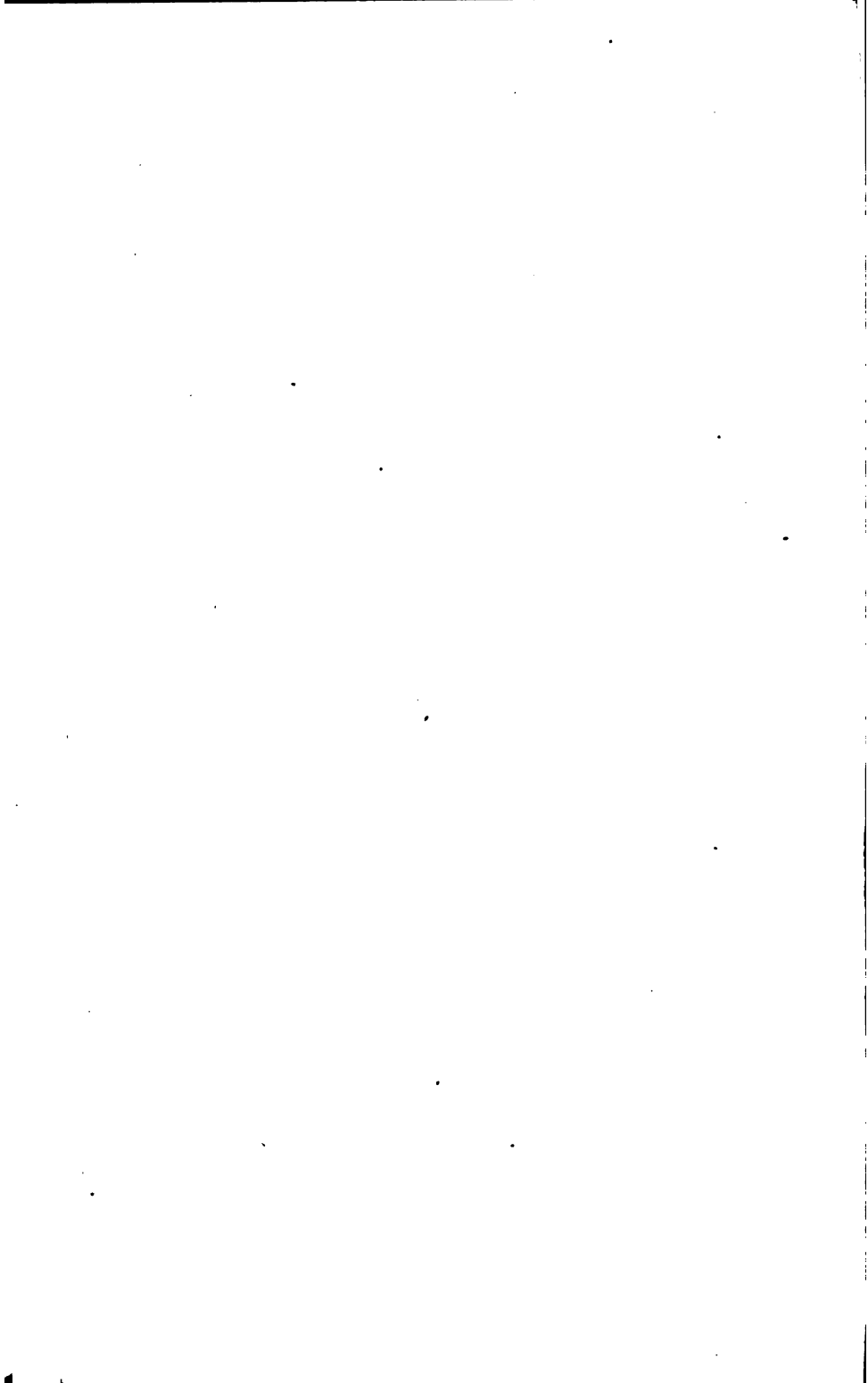
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SPECIAL PUBLIC LAWS.



SPECIAL PUBLIC ACTS

PASSED OF THE

One Hundred and Ninth Legislature

CHAPTER XII.

An Act to repeal an act entitled "An act to provide for the working of roads in the township of Lodi, in the county of Bergen," approved March twenty-one, one thousand eight hundred and seventy-one, and the supplements thereto.

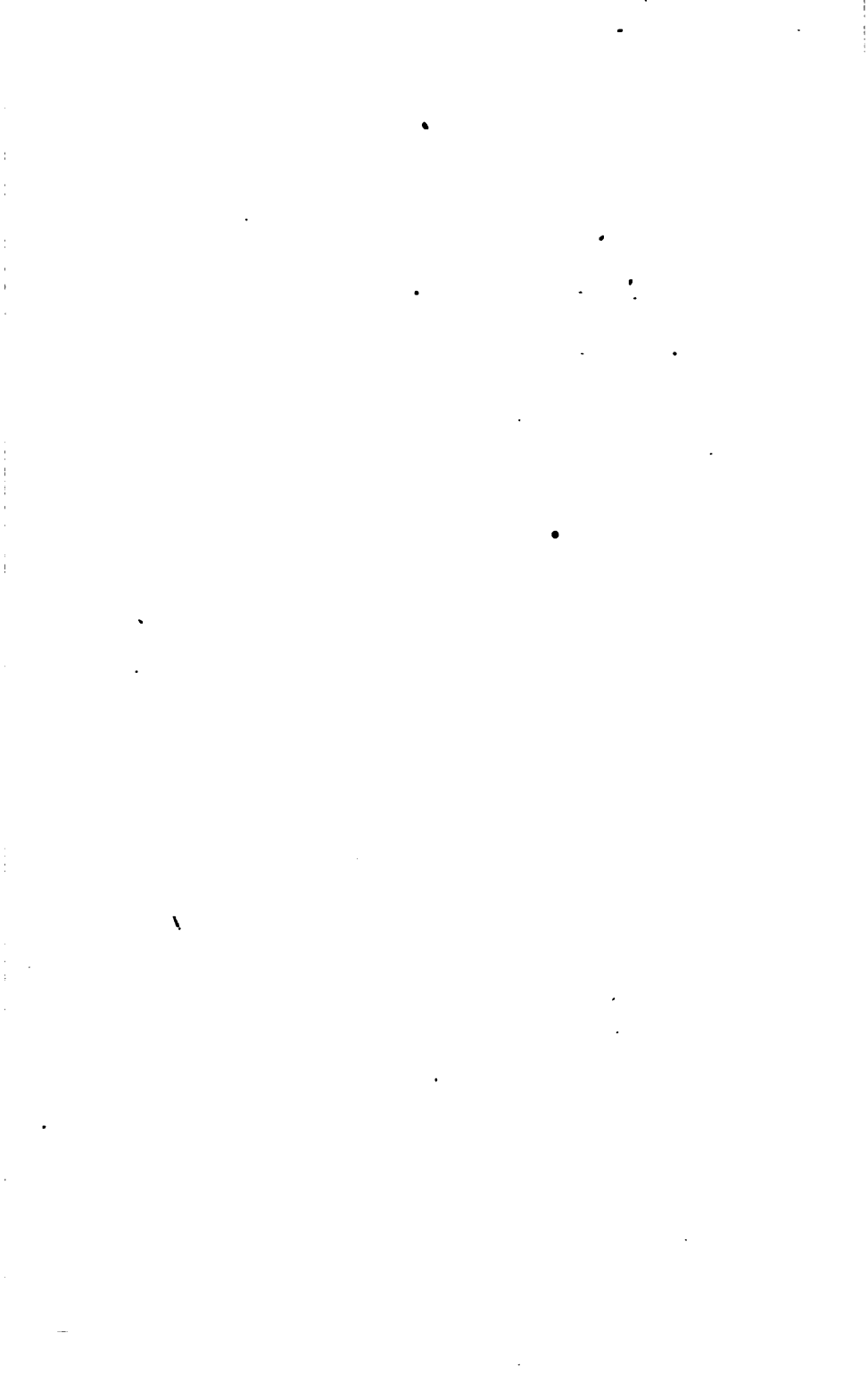
I. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That an act entitled "An act to provide for the working of roads in the township of Lodi, in the county of Bergen," approved March twenty-first, A. D. eighteen hundred and seventy-one, together with the supplements thereto, be and the same is hereby repealed. Acts repealed.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 12, 1885.



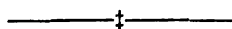
PRIVATE LAWS.



PRIVATE ACTS

PASSED BY THE

One Hundred and Ninth Legislature.



CHAPTER XXII.

An act for the relief of Henry Wagner.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Henry Wagner, of the county of Middlesex, be and is hereby restored to all his former rights and privileges as a citizen of the state of New Jersey. Restored to citizenship.
2. *And be it enacted*, That this act shall take effect immediately.

Passed February 17, 1885.



CHAPTER XXIII.

An Act for the relief of Jordon S. Doyle.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Jordon S. Doyle, of the county of Middlesex, be and is hereby restored to all his former rights and privileges as a citizen of the state of New Jersey. Restored to citizenship.
2. *And be it enacted*, That this act shall take effect immediately.

Passed February 17, 1885.

CHAPTER XXIV.

An act for the relief of Moses Doyle.

Restored to
citizenship.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Moses Doyle of the county of Middlesex, be and is hereby restored to all his former rights and privileges as a citizen of the state of New Jersey.

2. *And be it enacted*, That this act shall take effect immediately.

Passed February 17, 1885.

CHAPTER LIX.

An Act to extend the time for the completion of the Hudson tunnel railway.

Time extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Hudson tunnel railway company, a corporation duly created and existing under and by virtue of the consolidation of companies duly incorporated and formed under the laws of the states of New Jersey and New York respectively, is hereby allowed five years from the passage of this act in which to complete its tunnel and railroad.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 10, 1885.

CHAPTER XC.

An Act to change the corporate name of "The Trustees of the Lawrenceville Academy," and also to change the name of the institution under their management.

1. BE IT ENACTED *by the Senate and General Assembly of* ~~Name changed.~~ *the State of New Jersey*, That the corporate name of "The Trustees of the Lawrenceville Academy," a body politic and corporate, created and constituted by and under the provisions of an act entitled "A further supplement to an act entitled an act to incorporate societies for the promotion of learning," (Revision) and approved February twenty-fourth, one thousand eight hundred and eighty-two, be and the same hereby is changed to the style and name of "The Trustees of the Lawrenceville School."

2. *And be it enacted*, That the name of the institution ~~Name changed.~~ under the management and government of the said trustees be and the same hereby is changed from "The Lawrenceville Academy" to "The Lawrenceville School."

3. *And be it enacted*, That all of the legal rights, powers, ~~Legal rights to remain.~~ remedies, duties and liabilities of the said corporation heretofore vested or created shall be and remain as if this act had not been passed.

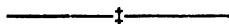
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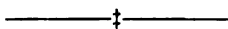
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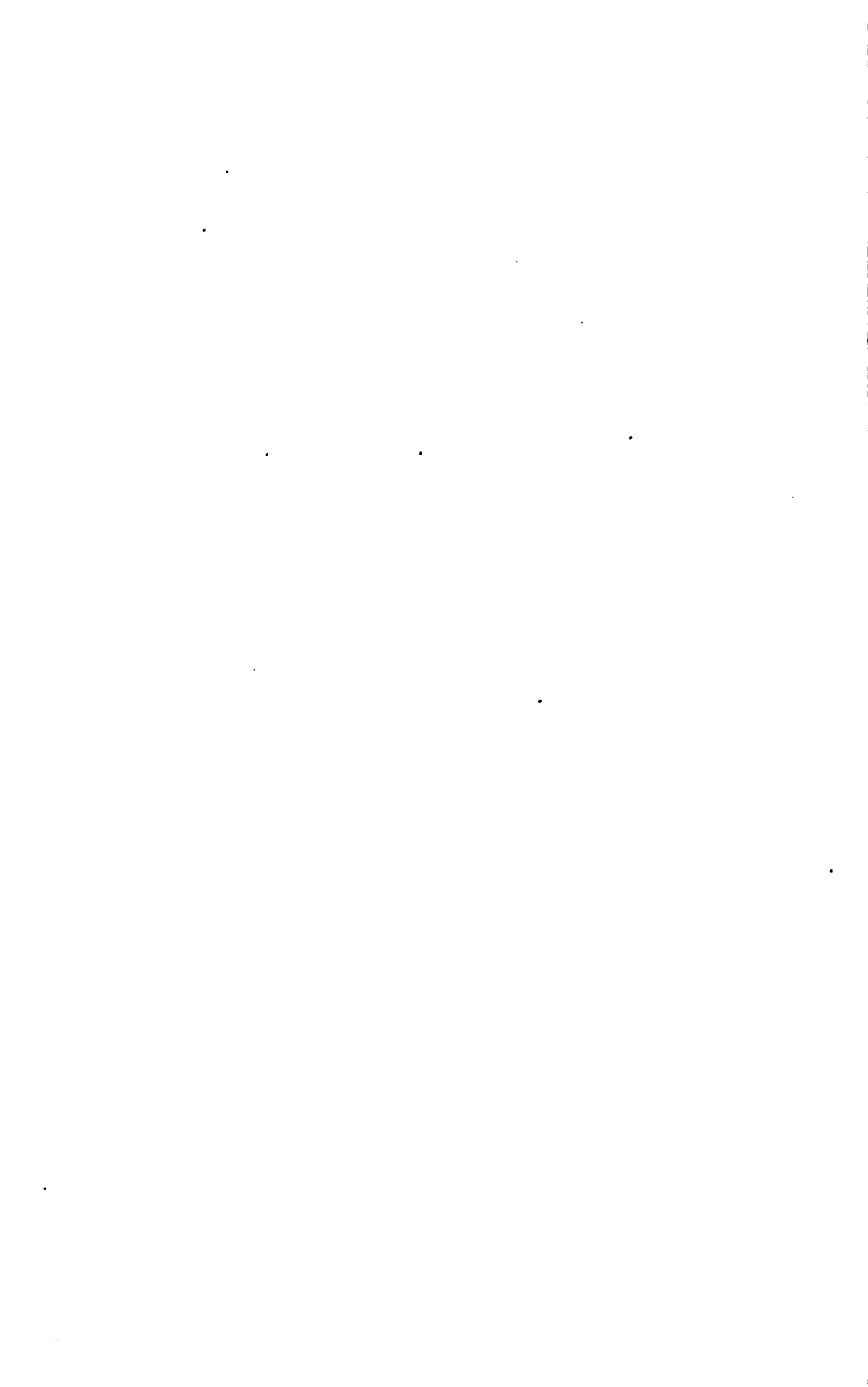
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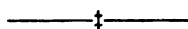
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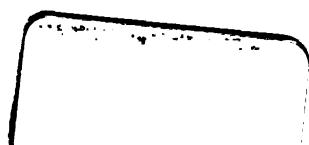
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